



Centre of Policy and
Legal Reform

Annual Report

2022 in Wartime



Content

1

02	Introduction
04	About the Centre of Policy and Legal Reform under of Martial Law
06	Constitutionalism
14	Governance
19	Civil service
22	Public administration
28	Judiciary
32	Criminal justice
38	Preventing corruption and criminal law
46	Participation in coalitions of civil society organizations
52	Participation in the work of state bodies
54	Publications
56	Projects and studies
60	Financial report
64	Partners

Introduction

2

2022 was a special year not only in the life of the CPLR, but also in the life of entire our country and not only ours... From the very beginning of the year, talks and forecasts about a large-scale invasion by Russian troops to occupy and liquidate Ukraine made it impossible us to work calmly. Some of us enlisted with the territorial defense, others visited a territorial center for recruitment (TCR), and everyone discussed what we would do in the event of a major war...

Nevertheless, February 24 surprised everyone. Like many others, at that time, we had an exaggerated opinion of the strength of the aggressor's army and an underestimated view of our defense capabilities. Therefore, at first, we had a feeling that our work and the activities of the think tank were losing their meaning. Two of our staff were immediately recruited as volunteers, some others joined a volunteer formation of the territorial community (VFTC), and some started volunteering...

However, the situation began to change radically as early as in March. First, there were those among us who said in the very early days: "It doesn't matter that our draft laws or other analytics are not relevant now, we must not be silent! We have to communicate as widely as possible regarding everything we think about the situation in Ukraine and our rejection to the aggressor's plans". As it turned out later, this was extremely important. Second, the work of public authorities was not interrupted, even though its openness became very restricted; thus, a demand for our analytics and rulemaking efforts quickly emerged. In this regard, the Law in Wartime, a joint initiative with NaUKMA, should be mentioned separately. Third, since Victory requires not only fighting, but also a vision of Ukraine after the Victory that will unite the majority of the people – those at the frontlines, in the rear, and abroad – we, in cooperation with colleagues from other think tanks, began to develop such a Vision.

Certainly, all this was made possible thanks to the heroism of the defenders of Kyiv and the entire Armed Forces of Ukraine. They truly deserve to be honored with our lowest bow and lifelong gratitude!

3

Thus, we were able to not only resume our professional activities (online and offline) as soon as in April-May, but also started to receive offers from donors to carry out some relevant, important, and feasible professional work. In September, we announced several competitions, which resulted in the number of experts working at the CPLR increasing by one and a half times. By the end of the year, we were "fully loaded with projects" and indexed our incomes. At the same time, we agreed that each employee and engaged expert would donate at least 10% of all income received for the needs of the Armed Forces of Ukraine. The specifics of the last quarter (periodic electricity blackouts, Internet shutdowns, water and heat outages) certainly affected our efficiency, but even then we did not stop working.

This is how the first year of the full-scale war passed for us. We took part in preparing and popularizing the public "Vision of Ukraine 2030" (Ukraine after the Victory) and the Manifesto for Sustainable Peace, as well as prepared dozens of analytical materials for their implementation or in response to the actions of the state authorities that were learning to function in wartime and under martial law by trial and error. Not only did we remain quite active and effective in all areas that the Centre of Policy and Legal Reform had been working on previously, but we also significantly expanded our efforts by tackling the issues of local self-government.

We believe in Ukraine's Victory over the aggressor and we believe in Ukraine's accession to the European Union and NATO. As such, we continue to work to strengthen democracy, the rule of law, and good governance, in order to implement the reforms necessary for the full and irrevocable return of our Motherland to the European civilizational family of nations.



Ihor Koliushko

Head of the Board of the CPLR

About the Centre of Policy and Legal Reform under of Martial Law

4

From the first days of Russia's full-scale invasion of Ukraine, the National University of Kyiv-Mohyla Academy jointly with the Centre of Policy and Legal Reform launched the Law in Wartime Initiative, which was primarily focused on:

- providing state and local authorities with comprehensive legal analysis to inform their decision-making process and make timely and well-grounded decisions;
- informing our compatriots on the available legal solutions in various situations resulting



5

The UPLAN Public Law and Administration Network also joined the Initiative. Regional experts of the UPLAN Network from Lviv, Kharkiv, Dnipro, and Odesa are working on developing effective legal solutions under the martial law.

The CPLR's experts in the area of constitutional law worked on developing recommendations and drafting legislation to address complex issues of the functioning of the state mechanism, local self-government, and political parties during a full-scale war, as well as to inform the Parliament's statement "On the Russian Federation's Genocide of the Ukrainian People".

The CPLR's experts in the area of administrative services joined the Law in Wartime Initiative to help public officials and citizens obtain systematized information on current issues in the area of administrative services. This was crucial given that changes in the regulatory framework were quite dynamic, while the issues relate to the IDPs registration, obtaining passport documents, etc. In total, more than 30 monitoring reports were prepared and distributed. A series of thematic communication, analytical, and consulting documents were also prepared jointly with partners, notably on Services for IDPs and on Scenarios for CPASs work and development under martial law and in post-martial law period.

The materials of the Initiative are available at:
<https://law-in-war.org/>



Yulia Kyrychenko
area lead



Ihor Koliushko
expert



Anton Chyrkin
expert



Oleksandr Marusiak
expert



Olga Ivasiuk
expert

Our goal:

Authority in Ukraine is
subordinated to the Constitution

What We Did

- 1** From the first days following the introduction of the martial law, the CPLR, jointly with the National University of Kyiv-Mohyla Academy, launched the Law in Wartime Initiative to: (1) provide state and local authorities with a comprehensive legal analysis to inform their decision-making process and issue timely and well-grounded decisions; and (2) to inform our compatriots on the available legal solutions in various situations resulting from the war. Upon request, the CPLR provided expert opinions to assess relevant draft laws for their compliance with the Constitution.
- 2** The CPLR conducted monitoring of implementation of the European Commission's recommendations regarding Ukraine's EU membership status, particularly recommendations on the adoption and implementation of the legislation on the selection process of judges of the Constitutional Court of Ukraine, including the preliminary selection process based on the assessment of their integrity and professional skills, in accordance with the recommendations of the Venice Commission. In addition, the CPLR provided expert support for the development and adoption of relevant law, and simultaneously initiated relevant informational and advocacy campaigns to support the implementation of this European Commission recommendation.

- 3** The CPLR conducted monitoring of political situation in Ukraine, as well as legislative acts adopted by the Verkhovna Rada of Ukraine in the context of the protection of Ukraine's democratic institutions under conditions of ongoing war and countering the aggressor state.
- 4** CPLR's experts joined the development and advocacy of the draft law on amendments to certain legislative acts of Ukraine on the prohibition of political parties that pose a threat to the national security of Ukraine.
- 5** CPLR's experts joined the development and advocacy of the Code of Ethical Conduct for Members of Parliament of Ukraine, which establishes a set of ethical principles and standards on the basis of which the MPs carry out their activities
- 6** At the request of individual committees of the Verkhovna Rada of Ukraine, the CPLR conducted an expert analysis of certain draft laws to ensure that their provisions are consistent with the Constitution of Ukraine (constitutionality), and that their purpose and subject of legal regulation are consistent with Ukraine's foreign policy course towards full membership in the European Union. It also provided relevant expert assessments.
- 7** At the request of the Verkhovna Rada's leadership and the MPs, CPLR's experts provided ad hoc consultations on various legislative issues.



What We Achieved

1 As part of the Law in a Wartime Initiative, CPLR's experts prepared a draft statement of the Verkhovna Rada of Ukraine "On the Russian Federation's Genocide in Ukraine", which presents legal arguments that the actions committed by the Armed Forces of the Russian Federation and its political and military leadership during the latest phase of the armed aggression of the Russian Federation against Ukraine that began on February 24, 2022 constitute the genocide of the Ukrainian people. The draft statement, together with the drafts of the Parliament's relevant resolution and the explanatory note, as well as the translation of all texts into English, were submitted to the Verkhovna Rada of Ukraine on April 6, 2022. On April 11, 2022, the draft statement was registered in the Verkhovna Rada of Ukraine, and on April 14, 2022, the Verkhovna Rada of Ukraine adopted Resolution № 2188-IX "On the Statement of the Verkhovna Rada of Ukraine "On the Russia Federation's Genocide in Ukraine"".

2 On March 28, 2022, a draft law № 7172-1 on amendments to certain legislative acts of Ukraine regarding the ban on political parties was registered in the Verkhovna Rada of Ukraine. It was adopted on May 3, 2022 as a Law № 2243-IX and entered into force on May 18. This law provided for the legal grounds and judicial procedure for banning of pro-Russian political parties in Ukraine. As a result, by the end



of 2022, the courts have banned nearly two dozen political parties.

3 On August 12, 2022, a draft law on amendments to certain legislative acts of Ukraine on improving the procedure for selecting the candidates for the position of a judge of the Constitutional Court of Ukraine on a competitive basis (Reg. № 7662), aimed at implementing one of the recommendations of the European Commission, was registered in the Verkhovna Rada of Ukraine. On December 13, 2022, the Verkhovna Rada of Ukraine adopted this draft law as Law № 2846-IX, which entered into force on December 23.

4 A draft Green Book on the Legislative Process was developed and presented, which aims to identify, formulate, and define the main problems of the legislative process, based on which optimal solutions can be proposed. The Green Book has essentially identified the issues that prevent the legislative process in Ukraine from being an effective way to formalize state policy and that lead to low quality of the national legislation. Based on the Green Book, a White Book on the Legislative Process will be prepared, which will be focused on finding solutions and mechanisms to address the issues described in this book.

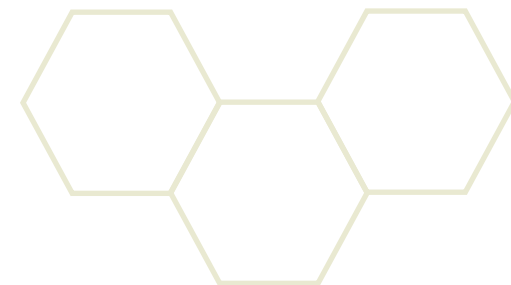
5 On December 30, 2022, a draft law on amendments to certain legislative acts of Ukraine regarding the rules of ethical behavior of the MPs of Ukraine (Code of Ethics) (Reg. № 8327) was registered in the Verkhovna Rada of Ukraine.

6 The CPLR has signed memoranda of cooperation with: (1) the Verkhovna Rada's Committee on organization of state power, local self-government, regional development, and urban planning; (2) the Verkhovna Rada's Committee on legal policy.

7 On June 27, 2022, the CPLR, jointly with the Verkhovna Rada of Ukraine, the RANG Program, and the International Institute for Democracy and Electoral Assistance, organized a public parliamentary seminar on "Safeguarding the Constitutional Status of the Parliament in Wartime".



8 Yulia Kyrychenko became a member of the Constitutional Law Section of the Scientific Advisory Council under the Head of the Verkhovna Rada of Ukraine and led the activities of this section during 2022.





Ihor Koliushko
area lead



Viktoria Derets
expert



Yanina Kaziuk
expert



Oleksandr Bovsh
expert



Viktoria Melnyk
expert

Our goal:

Governance system effectively formulates and implements public policy for the development of the country

What We Did

1 At the request of the Verkhovna Rada's Committee on the organization of state power, local self-government, regional development, and urban planning, CPLR's experts conducted an expert assessment of the following draft laws on compliance with the Constitution of Ukraine and their impact on territorial communities and local self-government bodies:

- №4582 "On amendments to certain laws of Ukraine regarding strengthening the transparency of the work of local self-government bodies and the Verkhovna Rada of Ukraine"
- № 4582-1 "On amendments to the Law of Ukraine "On local self-government in Ukraine""
- № 6401 "On amendments to the Law of Ukraine "On local self-government in Ukraine""
- № 5362 "On amendments to Chapter V "Final and Transitional Provisions" of the Law of Ukraine "On local self-government in Ukraine" regarding the regulation of certain issues of the legal regime of property owned jointly by territorial communities"
- № 7283 "On amendments to the Law of Ukraine "On local self-government in Ukraine" and other legislative acts of Ukraine regarding people's power at the local self-government level".

2 At the request of the Committee, experts also conducted an analysis of:

- the draft law “On the State Budget of Ukraine for 2023” and its annexes, and prepared an expert assessment and analytical materials on the specifics of local budgets and interbudgetary relations;
- the draft law on amendments to the Budget Code of Ukraine and the draft law on amendments to the Tax Code of Ukraine, and prepared an expert assessment and analytical materials on the impact of these drafts on the local self-government and the local budgets.

3 In cooperation with the Civic Association “Reanimation Package of Reforms Coalition”, as part of the project “Strengthening the participation of local self-government bodies in decision-making at the national level through coordination and discussion of emergency response measures between local self-government bodies and the activities of national authorities”, CPLR’s experts:

- analyzed more than 60 draft laws introduced or considered by the Verkhovna Rada between February 24 and July 31, 2022, in terms of their impact on the local self-government. In addition, 37 decrees of the Cabinet of Ministers of Ukraine that had an impact on the local self-government in the area of finances and 47 acts of the Cabinet of Ministers of Ukraine that had an impact on the local self-government in the area of administrative services, all of which were

adopted after the beginning of Russia's full-scale aggression against Ukraine on February 24, 2022, were analyzed;

- conducted an audit of the instruments of participation of local self-government bodies in the decision-making at the central level under martial law, particularly in terms of analysis of legal regulations on activities of associations of local self-government bodies; activities of the Cabinet of Ministers of Ukraine, executive authorities, and local self-government bodies at the regional and subregional levels; and activities of the MPs of Ukraine;
- developed proposals for amendments to the Law of Ukraine “On associations of local self-government bodies” and other laws of Ukraine to improve the interaction between local self-government bodies and state authorities, which were discussed at roundtables with the participation of the MPs, representatives of the Ministry of Regional Development, all-Ukrainian associations of local self-government bodies, and the expert community.

What we achieved

- 1** Study of the draft laws and regulations on the impact of the war on local self-government.
- 2** Audit of instruments for local self-government bodies' participation in the decision-making at the central level under martial law.
- 3** Development of proposals for amendments to the Law of Ukraine "On associations of local self-government bodies" and other Laws of Ukraine regarding improvements in the interaction between local self-government bodies and state authorities.



Civil service

What we did

- 1** We monitored of legal regulation and the practice of functioning of civil service under martial law. We conducted an expert analysis of a number of draft laws and laws of Ukraine adopted in 2022, including:

- the Law "On amendments to certain Laws of Ukraine on the functioning of civil service and local self-government during the martial law" of May 12, 2022 (reg № 7269 of April 9, 2022);
- the Law "On amendments to certain legislative acts of Ukraine on optimization of labor relations" of July 1, 2022, which amended the Law "On the organization of labor relations under the martial law" of March 15, 2022 with regards to civil service and service in local self-government bodies;
- the Law of Ukraine "On amendments to the Law of Ukraine "On corruption prevention" regarding the peculiarities of application of legislation in the area of corruption prevention under the martial law" of July 8, 2022;
- the draft law "On amendments to the Law of Ukraine "On civil service" regarding the introduction of unified approaches to civil servants' remuneration based on job classification" (Reg. № 8222 of November 23, 2022).

- 2** We contributed to the preparation of responses concerning civil service to the European Commission's Questionnaire for the preparation of the Opinion on granting Ukraine the status of a candidate for accession to the European Union.
- 3** We analyzed the experience of the Republic of Poland regarding legal regulation of civil service, as well as organization and work of government.
- 4** Viktoriya Derets continued to serve as a member of the Public Council of the National Agency of Ukraine on civil service.



What we achieved

- 1** 1. At the request of the Law in Wartime Initiative, we prepared responses on the work of local self-government officials under martial law along with proposals for improving the legal regulation, as well as a blog on the peculiarities of labor relations of civil servants under martial law.
- 2** Viktoriya Derets published the following articles:

- Public service. Risks of military optimization ("Dzerkalo Tyzhnia" newspaper, August 3, 2022);
- Service in local self-government bodies of Ukraine and Poland: what is the difference? (Liga Blog);
- Ukrainian and Polish civil service: differences in legal regulation (Liga Blog);
- Peculiarities of the organization and activities of governments in Ukraine and Poland (Liga Blog).





Viktor Tymoshchuk
area lead



Yevhen Shkolnyi
expert

Our Goal:

Public administration serves citizens in quality and friendly manner

What We Did

- 1** From the first days of martial law, we conducted monitoring and communication activities. We monitored the adoption of new regulations by the Government and central executive bodies in the area of administrative services, which resulted from the adaptation of this sector to the new circumstances. It should be noted that from the first days of the war, access to state registers, which were used to provide administrative services, was closed off, while CPASs suspended their work and focused on humanitarian functions.
- 2** New war-related administrative services appeared (e.g., changes in IDP registration due to the large number of IDPs, reports of damaged and destroyed property, compensation for IDP accommodation costs, etc.). CPLR's experts regularly tracked and covered these changes on their web resources and through the Law in Wartime Initiative channels to help public officials, citizens, and businesses obtain systematized information. In total, more than 30 such monitoring reports were prepared.
Among the negative impacts of the war on the administrative services sector, the risks of centralization should be noted, as the resumption of CPASs/LSGBs's access to registers and services was significantly complicated.

3 During this period, as part of the Initiative and in cooperation with other partners, a number of sectoral communication, analytical, and advisory documents were also prepared, including:

- Services for IDPs (March 2022);
- Scenarios for the work and development of the CPASs under martial law and in post-martial law period;
- Separate policy documents with proposals on residence registration, sustainability of the CPASs, vehicle registration issues, etc.



4 Starting in the fall, the CPLR launched a study on the impact of the war on the accessibility and quality of administrative services. As part of the project “Facilitating access to administrative services and improving their quality during the war in Ukraine”, the CPLR, jointly with the regional partners of the UPLAN network, monitored the work of eight CPASs and conducted a survey of visitors in five Social Protection Departments in four cities of Ukraine (Kyiv, Lviv, Dnipro, and Kharkiv). Results of the study have already

been published on the CPLR's website, in addition to being delivered to the relevant ministries in order to be taken into account in the development of state policy in the relevant area.

5 In the area of general administrative procedure, the CPLR continued to advocate for the final adoption of the relevant law. On February 17, the Law on Administrative Procedure (LAP) was adopted with the President's proposals. Due to Russia's full-scale invasion, the President postponed the signing of the LAP until June. The CPLR also advocated for the signing process. On June 13, the LAP was signed and is expected to enter into force on December 15, 2023.

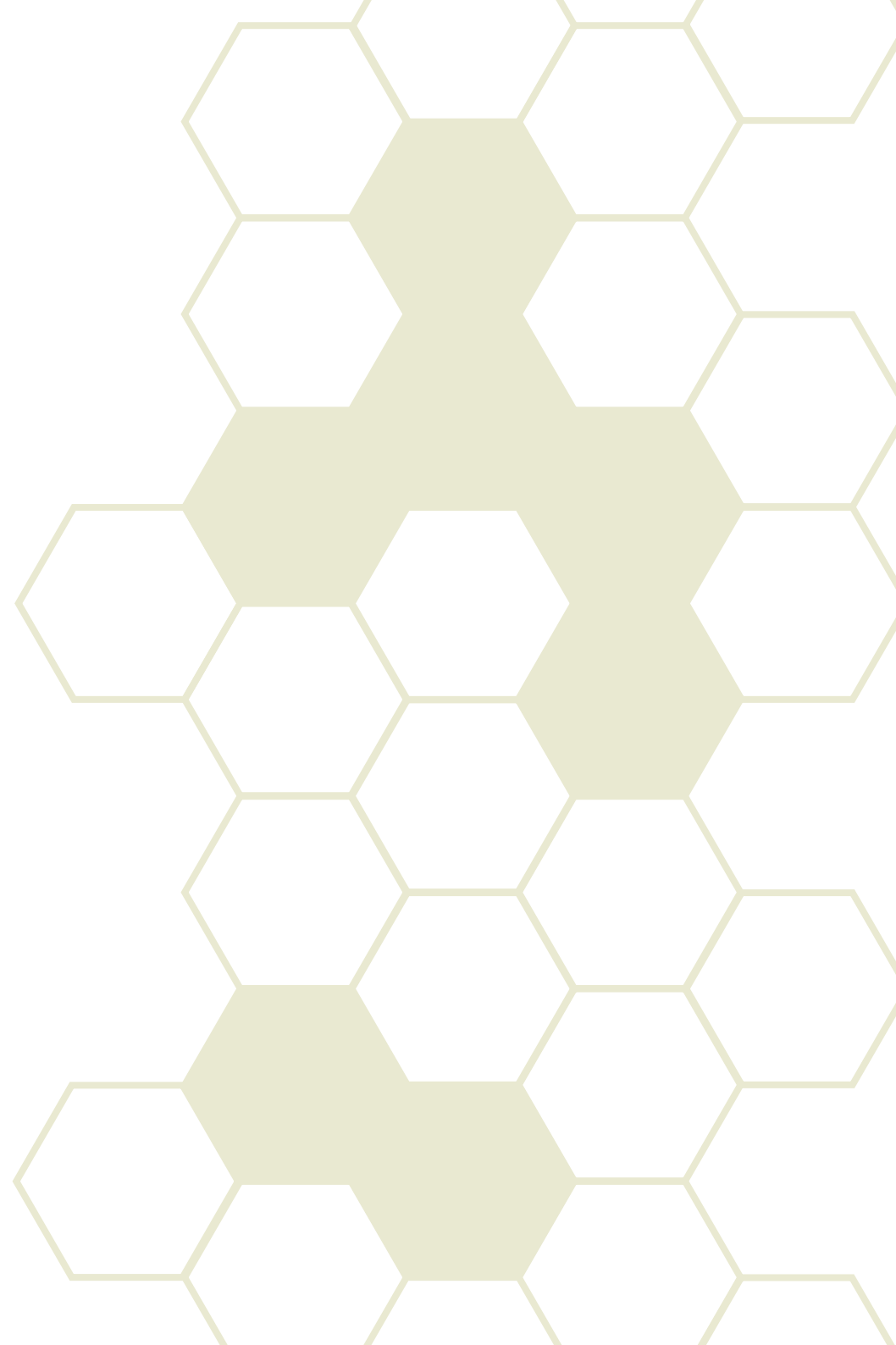
6 Under the EU4PAR project, in cooperation with public authorities, CPLR's experts participated in the development of amendments to current legislation to bring it in line with the LAP. It was also involved in the development of training materials and training activities for public servants. The products to which the Centre's experts contributed include the followings:

- Online course on “General administrative procedure”;
- Guidebook for public servants on the LAP;
- Trainings on the LAP conducted for representatives of ministries and other central executive bodies, as well as trainings of trainers.

- 7** The work on preparation of scholarly and practical commentary on the LAP was also conducted. The publication and distribution of the document is expected in 2023.

What We Achieved

- 1** Impactful advocacy for the final adoption of the LAP and its signing by the head of state and publication. After more than 20 years of work, Ukraine finally has a law on the administrative procedure.
- 2** Educational and training materials for public servants on the LAP were developed.
- 3** A study on the impact of the war on the quality and accessibility of administrative services (monitoring of the CPASs and surveys of the SPDs' visitors), which confirmed the high level of client-orientation of the CPASs even in wartime, as well as the benefits of decentralized administrative services of social nature.





Roman Kuybida

area lead,
mobilized to the Armed Forces
of Ukraine



Tetiana Ruda

expert

Our Goal:

A system of justice that guarantees
fairness in the society

What We Did

- 1** There were great expectations for 2022 in the area of Ukrainian justice reform. This was the year when the legislation on reforming the High Council of Justice (HCJ) and the High Qualification Commission of Judges (HQCJ) that was adopted in late summer 2021 was expected to be fully implemented, thus launching a new stage of judicial reform. Russia's full-scale invasion in Ukraine temporarily put this reform on hold, but it resumed within a few months. Since then, CPLR's experts have focused on the process of cleansing the composition of the HCJ and electing new members of this body, as well as on the competitive procedures for the HQCJ. Jointly with our partners, we advocated for the transparency of the HCJ selection procedure, which was restricted by the Ethics Council's decision to stop broadcasting interviews with candidates due to martial law. Unfortunately, the public failed to succeed on this front and influence the Ethics Council; however, the active position of civil society has likely contributed to ensuring public broadcasts of interviews conducted by the Competition Commission for the selection of the HQCJ members.
- 2** After Ukraine acquired the status of candidate for membership in the European Union, the reform of the HCJ and the HQCJ was recognized as one of the key preconditions for further European integration. Therefore, one of our main tasks was to carry out constant monitoring

of the reform progress and to provide timely information to national stakeholders and international partners on its current status and existing risks (threats).

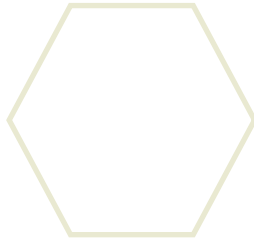
- 3** Despite the war, rocket attacks, restrictions on access to public information, and regular power outages, CPLR's experts managed to successfully conduct a study that is unique for the Ukrainian justice system. With support of the European Union and the International Renaissance Foundation under the grant component of the EU4USociety project, the Ukrainian justice system was assessed using the EU Justice Scoreboard methodology, which is used to conduct regular assessments of national justice systems of all EU member states in order to improve their effectiveness.
- 4** During the year, experts of our area have been actively working on creating a vision of what the Ukrainian justice should look like in the future (in 2030) and ways to achieve this vision. In particular, in the second half of 2022, we started working on a draft comprehensive strategy for justice reform through 2030, which is expected to be presented in early 2023.

What We Achieved

- 1** Despite the full-scale invasion, the key reforms for the Ukrainian justice at this stage – the HCJ and the HQCJ – continued after a short pause and are currently close to being finalized.
- 2** The advocacy campaign that we actively conducted jointly with our partners over several years has resulted in the start of addressing the “issue of the Kyiv District Administrative Court”. Adoption of the law on liquidation of this court was the first step on this path.
- 3** An assessment of the Ukrainian justice was conducted using the EU Justice Scoreboard methodology and a report on its results was presented. The study made it possible to highlight the advantages and disadvantages of the Ukrainian justice compared to justice systems of the EU member states and, most importantly, to identify further priority areas for judicial reform in the process of European integration.



Yevhen Krapyvin
експерт



Our Goal:

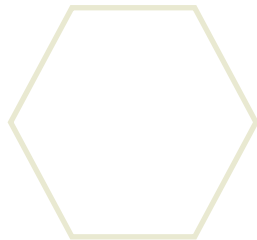
Effective criminal justice system that guarantees the safety of every citizen and society as a whole, while respecting human rights and freedoms

What We Did

- 1** In the context of the full-scale invasion by Russia's armed forces, the criminal justice area expanded the scope of its expertise. International criminal law and justice became an integral part of the area's analytical materials. Our experts commented on important developments relating to restorative justice for victims of international crimes and participated in joint initiatives with scholarly community and government agencies aimed at providing analytical support to the criminal justice system under martial law.
- 2** In the spring of 2022, at an extremely difficult time for the entire country, we tried to join the lawmaking process and cover its progress. At this time, a number of amendments were made to criminal and criminal procedure legislation, and the powers of the Ministry of Internal Affairs and other law enforcement agencies were expanded. Our experts analyzed the problematic issues of this process at the request of the authorities, joined closed working groups and public platforms, and provided their opinions on draft legislative initiatives relating to adaptation of legal regulation to the martial law.
- 3** CPLR's experts contributed to the preparation of documents on European integration for communication with the European Commission at the request of the Ministry of Justice. Following the announcement of the EU's seven recommendations regarding Ukraine's accession to the

EU, we actively monitored the implementation of the recommendation related to the law enforcement system. Our experts were directly involved in the working group at the Prosecutor General's Office that developed the Comprehensive Strategic Plan for reforming the law enforcement agencies as a part of the security and defense sector. We also proposed alternative measures to the state policy, which were outlined in the relevant section of the analytical document "Vision of Ukraine – 2030".

- 4 Furthermore, the experts focused directly on the challenges of excessive politicization of law enforcement agencies and the prosecutor's office, which is one of the threats of democratic closing in Ukraine and has particularly deteriorated due to complex social upheavals that are an integral part of the war. We started monitoring legislative initiatives and government policies aimed at depoliticizing the top management of these bodies and are looking for a balance between the effective functioning of the law enforcement system and the preservation of democratic institutions in the country.

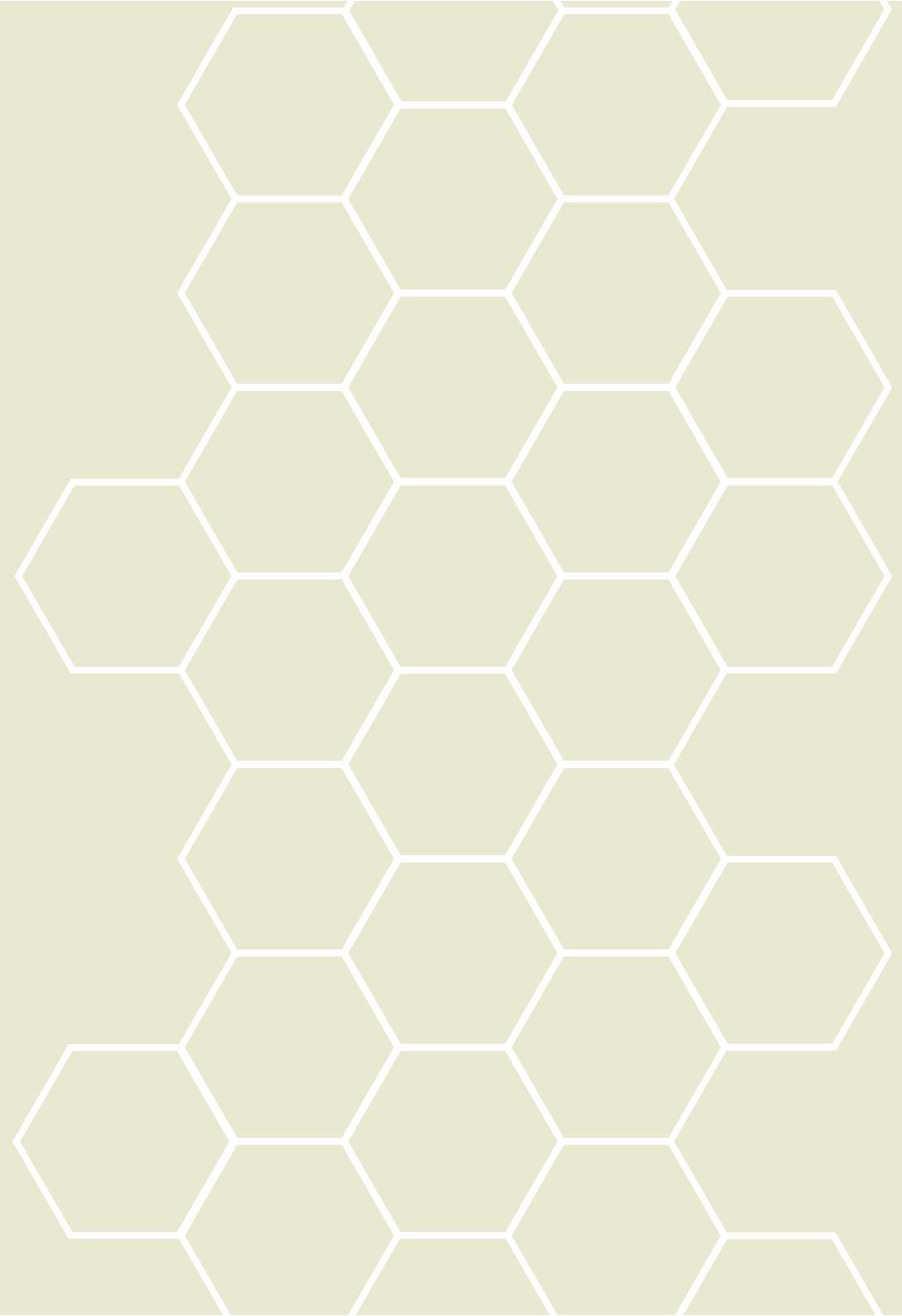


What We Achieved

- 1 In the spring of 2022, jointly with NaUKMA's Law in Wartime Initiative and the JustGroup organization (in the area of criminal justice), a number of analytical materials on the basic aspects of international humanitarian and criminal law were prepared. Some of them were used by prosecutors and investigators in their practical work after the distribution of a guidance letter on relevant topics by the Prosecutor General's Office.
- 2 Area experts directly participated in the work of the interagency working group under the Prosecutor General's Office that developed a draft Comprehensive Strategic Plan for reforming the law enforcement agencies as part of the security and defense sector of Ukraine for 2023-2027 (approved by the President's Decree №273/2023 of May 11, 2023).



3 The experts were actively involved in working groups on drafting amendments to legislation and public policy documents under the relevant authorities – notably, the Ministry of Justice (in the area of European integration), the Ministry of Internal Affairs and the Ministry of Infrastructure (in the area of developing the Safe Community Concept), the Office of the Prosecutor General (in the area of working groups on international criminal justice), the Parliament's Committee on law enforcement activity (in the area of amendments to legislation), the National Agency for Corruption Prevention (in the area of preparing relevant measures under the State Anti-Corruption Program for 2023-2025), etc.



Preventing corruption and criminal law

38



Mykola Khavroniuk
area lead



Olga Piskunova
expert

Our Goal:

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

What We Did

- 1** Perhaps the main event of the year in the anti-corruption area was the adoption of the new Anti-Corruption Strategy for 2021-2025. The Verkhovna Rada of Ukraine adopted the Law “On the principles of state anti-corruption policy for 2021-2025” on June 20, 2022. After that, the NACP developed a draft State anti-corruption program for 2023-2025, which was submitted to the Cabinet of Ministers of Ukraine for consideration and approval. Both of these documents were based on the draft Anti-Corruption Strategy for 2019-2023 and the draft State Program for its implementation, developed by CPLR’s experts in 2019. CPLR’s experts actively participated in discussions on the draft State Anti-Corruption Program for 2023-2025 and advocacy for its adoption.
- 2** Another important event was the completion of the competition for positions of the head and deputy head of the Specialized Anti-Corruption Prosecutor’s Office (SAPO). One of the members of the competition commission was Roman Kuybida, Deputy Head of the CPLR’s Board, whose voice was heard in the most critical situations when it seemed that the competition would fail. The member of the Board of the CPLR Mykola Khavroniuk participated in the preparation of written assignments for the competitors, which made it possible to properly assess their professional level.

- 3** Another reform that the anti-corruption area experts focused on was the anti-oligarchic reform. Experts began preparing a White Book on this reform, analyzed a number of existing laws and drafts, submitted proposals to the State Anti-Corruption Program for 2023-2025 to limit the excessive influence of oligarchs on economic, political, and social life, and monitored the implementation of the Action Plan to prevent undue influence by individuals who hold significant economic and political weight in public life (oligarchs).
- 4** To improve the qualifications of judges and judicial assistants of the High Anti-Corruption Court, Mykola Khavroniuk organized and directly participated in several-



- day-long trainings on international law, human rights law, criminal law, and criminal procedure.
- 5** In the context of judicial reform, to assist the Competition Commission for the selection of members of the HQCJ and the Ethics Council, Mykola Khavroniuk prepared a series of publications on the components of integrity and their proper identification.
 - 6** Throughout the entire year, work on the draft of the new Criminal Code of Ukraine was conducted and reached its final stage, with Mykola Khavroniuk serving the Deputy Head of the relevant Working Group of the Commission on legal reform.
 - 7** During the war, significant attention was undoubtedly paid to the evaluation, as well as scholarly and practical analysis of new (wartime) articles of the Criminal Code of Ukraine, the development of articles and guidebooks on criminal law qualification of violations of the laws and customs of war, military criminal offenses, and crimes against the principles of national security of Ukraine, as well as to delivering lectures, trainings, and webinars on these issues for judges, prosecutors, and investigators.

The goals mentioned at the beginning of the section have not been achieved, and the war became yet another unexpected obstacle. Nevertheless, we continue to protect and strengthen the anti-corruption infrastructure.

What we achieved

- 1** We supported and continue to support the independence and effectiveness of the NACP, NABU, SAPO, and HACC through media appearances, participation in public events, competitions for positions, etc.
- 2** At the NACP's request, we provided assistance on issues arising in its activities and continue to cooperate with the Agency.
- 3** We provided scholarly and expert assistance to the HACC and advisory support to detectives, as well as conducted lectures and trainings on criminal law for judges and prosecutors.
- 4** We conducted anti-corruption assessment of the draft laws submitted to the Verkhovna Rada.
- 5** We analyzed anti-oligarchic legislation.
- 6** We largely completed the development of the new version of the Criminal Code of Ukraine.



- 7** We participated in the Working Group of the Prosecutor General's Office on developing a draft of the new Criminal Justice Concept.
- 8** We prepared Guidelines for prosecutors on criminal legal qualification of acts committed by prisoners of war.
- 9** We conducted lectures and trainings for judges, prosecutors, and investigators on the criminal legal qualification of violations of the laws and customs of war, military criminal offenses, and crimes against the principles of national security of Ukraine.

10 We prepared scholarly and practical commentaries on the new (wartime) articles of the Criminal Code of Ukraine and distributed them to all interested parties.

11 In the context of Ukraine's European integration, we studied the problem issues related to alignment of the provisions of Ukraine's current criminal legislation to the EU criminal law, prepared eight articles for the EU Questionnaire, and worked on the anti-corruption and anti-oligarchic sections of the RPR Coalition's explanations on the implementation of the European Commission's recommendations – "The entrance exam for Ukraine: what we should do to implement EU recommendations" – which were provided to Ukraine along with the status of candidate for the European Union.

12 We participated in academic and practical conferences, forums, webinars, seminars, and roundtables on amendments to the Criminal Code of Ukraine in connection with Russia's military aggression against Ukraine, criminal responsibility for corruption and military offenses, crimes against the principles of national security of Ukraine and war crimes, and organization and operation





Participation in coalitions of civil society organizations

UPLAN Network

In 2022, the Ukrainian Public Law and Administration Network (UPLAN), which was founded by the CPLR, expanded its geographic scope during the war: partners in Kharkiv, Dnipro, Odesa, Zaporizhzhia, and Lviv regions were joined by partners from Lutsk – the Volyn Institute of Law.

The UPLAN regional coordinators continued the tradition of monthly monitoring of the main news and reports in four areas: administrative services and administrative procedure, judiciary, local self-government and decentralization reform, and government-public interaction.

The UPLAN network continued to provide information on relevant studies, analytics, and important news on the reforms implementation in the context of a full-scale war:

- 41 news releases, 53 analytical articles, and 34 expert blogs were published on the uplan.org.ua portal, reaching more than 54 thousand users and generating almost 72 thousand views;
- the Facebook page of the UPLAN Network had more than 1,550 subscribers at the end of the year, while the audience reach was more than 55.5 thousand readers;
- the “Reforms Guide” Telegram channel systematically publishes information on the implementation, results, and effectiveness of institutional reforms with the CPLR’s and UPLAN’s experts commentaries (150 subscribers);
- the UPLAN Network’s informational resources reached approximately 127.7 thousand people in total

UPLAN experts and partner organizations were engaged in national research and advocacy, specifically:

- the work on the development of proposals and recommendations for the Ministry of Social Policy on the provision of administrative services to IDPs;
- the work on the joint development of recommendations for the Ministry of Internal Affairs/State Migration Service, Ministry of Regional Development, Ministry of Finance, Parliament's committees, and local authorities on the need to reform the registration of residents/registration of citizens at the place of residence;
- the work on the development of recommendations for the Ministry of Social Policy, Parliament's committees, and local authorities on the observance of the rights of communities to obtain assistance for IDPs;
- the work on preparing explanations on the legal regulation of the presence of the citizens of Russian Federation in Ukraine;
- joined the discussion on the developments of the "Vision of Ukraine – 2030";
- joined the statement of the Centre of Policy and Legal Reform, which called upon the Cabinet of Ministers of Ukraine to approve the State Anti-Corruption Program.

The regional coordinators shared their experience with the CPLR's interns during thematic meetings on think tank activities, preparing of analytical materials, and dissemination of expert recommendations, as well as in special materials such as

"How to become an analyst? Advice for youth and others". Regional experts also actively participated in recording the "Reforms Guide" podcasts, in particular on the following topics:

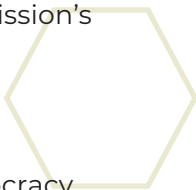
- "IDPs in Ukraine: social adaptation and integration into communities"
- "Corruption during the war: how to counter it at the local level?"
- "What's new in the area of administrative services: results of the month"



The CPLR is one of the founders and a full member of the RPR Coalition and is actively involved in its development. Yulia Kyrychenko is a co-chair of the RPR Coalition Board.

After beginning of the full-scale war, the CPLR jointly with the RPR Coalition continued working on promoting legislation and implementation of reforms in the political area, strengthening democracy during the war, and promoting the EU integration. In addition to organizing the work of the Council as the governing body of the RPR Coalition, Yulia Kyrychenko is one of the speakers at the events organized by the RPR Coalition and frequently promotes the Association's position in communications with authorities and international partners. In particular, Yulia Kyrychenko delivered a speech at the event "Democratic reforms for Ukraine's integration into the EU: dialogue with leading reformers", organized by the RPR Coalition and the International Institute for Democracy and Electoral Assistance (International IDEA). CPLR's experts contributed to the development and presentation of the document containing a detailed analysis of the state of implementation of the European Commission's recommendations "EU entrance exam: how Ukraine is implementing the recommendations of the European Commission".

In September, jointly with the RPR Coalition and Democracy Reporting International, the Center organized a conference on "Preserving and developing democracy in Ukraine: what are the challenges of democratic transformation?". During the conference, the MPs and civic experts discussed how the country is maintaining its democratic vector of development,



whether it is possible to implement democratic reforms during the war, and what future threats to democracy should we be prepared for.

Almost immediately after the beginning of the full-scale invasion, there was realization of need to plan for Ukraine's recovery at all levels. Thus, Ihor Koliushko was one of the initiators of the development of the "Vision of Ukraine 2030: social and humanitarian area", while the RPR Coalition joined the broad discussions and advocacy of the "Vision of Ukraine 2030: political area".

As part of a joint project with the RPR Coalition, CPLR's experts developed proposals for amendments to the Law of Ukraine "On associations of local self-government bodies" and other laws of Ukraine to improve interaction between local self-governments and state authorities based on an analysis of more than 60 draft laws introduced or considered by the Verkhovna Rada during the period from February 24 to July 31, 2022, in terms of their impact on local self-government, as well as an audit of the tools for local self-government's participation in the decision-making at the central level under martial law.

The RPR Coalition advocated for a number of draft laws developed by the CPLR, including the draft law on administrative procedure.

22 statements on important political issues of the RPR Coalition also imply their support by the CPLR.

In total, 33 materials of the Centre of Policy and Legal Reform were disseminated to 50 thousand people through the social networks of the RPR Coalition.

Participation in the work of state bodies

- 1** Experts of the Criminal Justice area participated in the work of the interdepartmental working group at the Prosecutor General's Office, which developed a draft Comprehensive strategic plan for reforming law enforcement agencies as part of the security and defense sector of Ukraine for 2023-2027 (approved by Presidential Decree № 273/2023 of May 11, 2023), as well as in working groups to develop amendments to legislation and public policy documents under the relevant authorities – the Ministry of Justice (European integration), the Ministry of Internal Affairs and the Ministry of Infrastructure (developing the “Safe Community” Concept), the Prosecutor General's Office (working groups on international criminal justice), the Verkhovna Rada's Committee on law enforcement (amendments to

legislation), the National Agency for Corruption Prevention (preparing relevant measures under the State Anti-Corruption Program for 2023-2025), and others.

- 2** Experts of the Public Administration area continued to cooperate with authorities on thematic issues. In particular, Ihor Koliushko and Viktor Tymoshchuk (until September 2022) were members of the Coordination Council for public administration reform under the Cabinet of Ministers of Ukraine. Viktor Tymoshchuk is a member of the Board of the National Agency on Civil Service.
- 3** Yulia Kyrychenko became a member of the Constitutional Law section of the Scientific Advisory Council under the Head of the Verkhovna Rada of Ukraine and managed the activities of this section during 2022.



Q&A Guidance: Communicating with law enforcement during the special period:

<https://pravo.org.ua/books/q-a-spilkuвання-z-ohorontsyamy-v-osoblyvyj-period>



The Law "On administrative procedure": general transparent rules of interaction between the state and citizens and business. A manual for public servants.

V. Tymoshchuk, I. Boyko, A. Shkolyk, Ye. Shkolnyi – Kyiv, 2022. 76 pages.

<https://cutt.ly/awqCkv97>

Law in Wartime

After February 24, the Centre of Policy and Legal Reform and the National University of Kyiv-Mohyla Academy launched the Law in Wartime Initiative to develop legal decisions in cases where peacetime legislation does not address issues that arose during wartime. Regional experts of the UPLAN Network also joined the Initiative.

The initiative was created to provide public authorities – both state government and local self-government – with comprehensive legal analysis to inform their decision-making process during wartime to issue timely and well-grounded decisions; as well as to inform our compatriots about the legal decisions that are available in various situations resulting from the war.

During the period of the Initiative's operations, experts have developed nearly 50 policy documents as part of non-public assistance to the authorities. A total of 512 informational materials were published on the "Law in Wartime" website, reaching more than 23 thousand users and generating almost 53 thousand views.

By the end of 2022, the "Law in Wartime" page on Facebook had more than 2.3 thousand followers. In March-November, the audience reach was more than 1.1 million readers. An informational Telegram channel was created to provide timely updates on changes in legislation. By the end of 2022, it had 970 subscribers.

Ukraine After the Victory

At the end of March 2022, civil society think tanks, individual scholars, and experts gathered in Ukraine After the Victory Coalition, which began working on developing the civil society's vision of ways and means to restore, modernize, and integrate Ukraine after the war. Ihor Koliushko, Head of the CPLR Board, joined the Coalition's Coordination Council, and the Centre of Policy and Legal Reform joined the development of the "Vision of Ukraine – 2030" in terms of institutional organization of public authorities.

At the beginning of June 2022, the first three chapters of the draft vision document "Vision of Ukraine – 2030" were completed. The document presents the state of affairs in various areas of public life and public policy that can and should be achieved by 2030.

In June 2022, sections of this vision document were discussed with civil society organizations and academic institutions in Ukraine. One of the platforms for such discussions was the monthly conferences "Lessons of War and the Future Recovery of the State and Society" launched jointly by the Kyiv-Mohyla Academy and the Ukrainian Catholic University. Based on the results of the discussion, the "Vision of Ukraine – 2030" will be finalized, and Ukraine After the Victory Coalition will be expanded to include all those who agree with its content. In order to continue developing comprehensive solutions to implement the "Vision of Ukraine – 2030" in terms of the institutional organization of state power, the Centre of

Policy and Legal Reform, with financial support by the UK Government, started the implementation of the project “Ukraine After the Victory: Preparation and Communication of Reforms for the Implementation of the “Vision of Ukraine – 2030”.

The main goal of the project was to develop policy documents and draft laws to implement the vision document “Vision of Ukraine – 2030” prepared by a broad civic coalition, as well as to disseminate and discuss the materials developed with civil society, the Ukrainian authorities, and the partner countries. During 2022, seven working groups were formed under the project, composed of leading experts and scholars in the following areas:

- constitutional reform;
- parliamentary reform;
- reform of the executive power;
- administrative services and their digitalization;
- law and order;
- reform of the justice system
- regional structure.

At the beginning of the project implementation, seven working groups prepared briefs on the state of affairs in each area. The purpose of developing the briefs was to conduct a broad analysis of the reforms, including the most important public policy events in the area after the Revolution of Dignity and the signing of the Association Agreement with the EU, problems, challenges, and government plans as of early 2022,

the impact of the war and martial law on public policy, the main international standards and Ukraine’s commitments, and current government plans at the time of the briefs’ preparation. Based on the results of this stage, in 2022, working groups began preparing reform concepts in these areas. This work was expected to continue next year, along with public communication and discussion of the proposed decisions.



Source of funding

Donor	Income for the whole 2022 year		
	₺	€	\$
USAID/Internews	3 389 100,20	98 926,24	103 000,00
Pact	1 891 918,80	55 443,46	58 000,00
Income from services provided to 3rd parties	1 353 201,40	42 558,76	47 308,82
Foreign, Commonwealth and Development Office	1 664 580,00	43 422,22	45 519,38
IFES	897 364,00	27 796,71	30 093,25
NDI (National Democratic Institute for International Affairs)	919 883,13	25 105,98	25 155,00
IRF	395 857,00	13 000,23	13 531,31
European Commission	367 842,09	9 537,00	10 058,96
DT Institute	237 659,33	6 670,20	6 499,00
Donations	9 940,00	326,44	339,77
Overall result	11 127 345,95	322 787,24	339 505,50

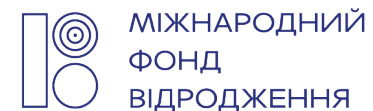
Expenditure

Expenditure category	Sum, uah
Remuneration (fees to CPLR experts and involved experts within the framework of projects)	7 271 593
Public events	111 233
Printing, layout, editing, design	50 250
Maintenance, finalization of the site, IT outsourcing	155 522
Social studies	25 360
Translation	45 761
Dues	5 000
Office, equipment and other expenses	595 804
Banking services	12 179
Overall result	8 272 702

Projects and donors

Project		Donor	Start	End	income for the whole 2022 year			
					€	€	\$	%
1	Core-Support to CSO Centre of Policy and Legal Reform	Pact	01.10.17	30.06.23	1 891 919	55 443	58 000	17
2	Advocacy for new democratic legislation on national referendum	IFES	18.10.19	30.07.22	625 780	19 267	20 493	5,6
3	Service-oriented model of democratic policing (for Kazakhstan)	European Commission	01.02.20	31.05.22	367 842	9 537	10 059	3,3
4	Assessment of the Ukrainian justice system according to the EU Justice Scoreboard methodology	IRF	01.12.21	30.11.22	395 857	13 000	13 531	3,6
5	Designing and producing voter education content for Belarusian voters	IFES	25.01.22	28.02.22	271 584	8 530	9 600	2,4
6	RADA Next Generation (RANG)	USAID/Internews	01.01.22	30.09.26	3 389 100	98 926	103 000	30,5
7	Ukraine after the victory: preparation and communication of reforms for the implementation of "Vision of Ukraine - 2030"	Foreign, Commonwealth and Development Office	01.08.22	15.03.23	1 664 580	43 422	45 519	15
8	Facilitating access to public services and improving their quality during the war in Ukraine	DT Institute	01.09.22	31.03.23	237 659	6 670	6 499	2,1
9	Supporting democracy strengthening in ukraine during and after the war	NDI (National Democratic Institute for International Affairs)	15.09.22	15.09.23	919 883	25 106	25 155	8,3
10	Donations from individuals, domestic foundations and organizations	Donations from individuals, domestic foundations and organizations			9 940,00	326	340	0,1
11	Income from services provided to 3rd parties	Income from services provided to 3rd parties			1 353 201	42 559	47 309	12,2
Overall result					11 127 345,95	322 787,24	339 505,50	

Partners





Centre of Policy and
Legal Reform

www.pravo.org.ua

twitter.com/pravo_center

facebook.com/pravo.org.ua

slideshare.net/CentrePravo

t.me/CPLR_media

youtube.com/pravocentre

Support us:

