



## PROJECT RESULTS

# STRENGTHENING THE ROLE OF CIVIL SOCIETY IN FACILITATING DEMOCRATIC REFORMS AND INCREASING ACCOUNTABILITY, RESPONSIBILITY, AND QUALITY OF GOVERNMENT

OCTOBER 2017 – SEPTEMBER 2019



This publication was produced with the financial support of the European Union within the framework of the project of the Centre of Policy and Legal Reform "Strengthening the Role of Civil Society in Facilitating Democratic Reforms and Increasing Accountability, Responsibility, and Quality of Government".

Its contents are the sole responsibility of the Centre of Policy and Legal Reform and do not necessarily reflect the views of the European Union.

---

**Centre of Policy and Legal Reform (CPLR)** is a civil society think-tank established in 1996. The mission of the CPLR is to promote policy and legal reforms aimed at bolstering democracy, rule of law and good governance in Ukraine.

The main focus areas of the Centre are constitutionalism, public administration, judiciary, criminal justice. Issues of human rights protection, combating corruption and European integration are cross-cutting for all areas of activity.

The Project **“Strengthening the Role of Civil Society in Facilitating Democratic Reforms and Increasing Accountability, Responsibility, and Quality of Government”** was implemented by the Centre of Policy and Legal Reform with the support of the European Union during the period from October 2017 to September 2019.

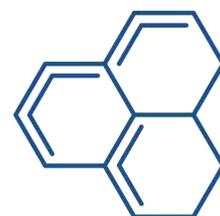
**The objectives of the Project were to:**

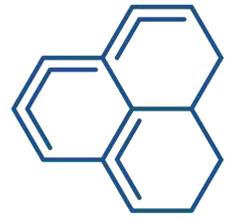
- strengthen the role of civil society in reforming the state, improve public dialogue between civil society and government authorities;
- raise awareness, capacity and influence of civil society in general and public organizations in particular;
- increase confidence in the government authorities;
- improve legislation in many areas of government activity.

**The Project included such components /areas of activity:**

- Constitutional reform, electoral law and financing of political parties;
- Judicial reform;
- Public administration:
  - reform of ministries, central executive bodies (CEBs), civil service;
  - administrative procedure, administrative fee, centres for provision of administrative services (CPASs), passport legislation;
- Law enforcement agencies;
- Anticorruption sphere.

In this brochure, we are sharing the key **achievements** of the Project.





## CONSTITUTIONAL REFORM, ELECTORAL LAW AND FINANCING OF POLITICAL PARTIES

### **Electronic declarations for anti-corruption activists canceled**

On 6 June 2019, the Constitutional Court of Ukraine declared that provisions obliging anti-corruption activists to submit electronic declarations were unconstitutional. The respective constitutional petition was initiated by the coalition of civil society organizations "Reanimation Package of Reforms" and prepared by the CPRL. Member of the CPLR's board Julia Kyrychenko became one of the authorized representatives of the petition subject.

### **Law of Ukraine "On National Referendum" of 2012 ruled unconstitutional**

On 26 April 2018, the Constitutional Court of Ukraine found unconstitutional the Law of Ukraine "On National Referendum" adopted during the presidency of Viktor Yanukovich. The constitutional petition was initiated by the coalition of civil society organizations "For Fair Referendum" and prepared by the CPRL. Member of the CPLR's board Julia Kyrychenko became one of the authorized representatives of the petition subject.

### **Norms on the so-called 'party dictatorship' canceled**

On 21 December 2017, the Constitutional Court of Ukraine found unconstitutional provisions of the Law of Ukraine "On Election of People's Deputies of Ukraine" of 2011 regarding the removal of candidates from electoral rolls of a political party (on party dictatorship). These provisions allowed the leadership of political parties to remove unwanted candidates from electoral rolls even after elections. Experts of the CPLR first prepared conclusions in the relevant case at the request of a judge of the Constitutional Court of Ukraine and then a respective constitutional petition. Member of the CPLR's board Julia Kyrychenko became one of the authorized representatives of the petition subject.





## **UKRAINIANS HAVE A RIGHT ON REFERENDUM FREE OF MANIPULATIONS**

For six years since the adoption of the Law "On National Referendum" in 2012, the CPLR along with the civil society and people's deputies has been struggling for the abolition of this law. What was the problem with it? The problem was that authorities could abuse referenda to promote provisions beneficial to them (including amendments to the Constitution) hiding behind public initiative and approval. Eventually, on 6 April 2018, the Constitutional Court of Ukraine declared this Law unconstitutional pointing to both violations of the legislative procedure by the Parliament and unconstitutional content of its certain provisions.

The Court ruling eliminated a possibility to amend the Constitution in an unconstitutional way through manipulative national referenda, however, this created a serious legislative lacuna - without a relevant law it is impossible to hold referenda on any issue including those envisaged by the Constitution. As early as in 2015, upon the initiative of experts of the CPLR, the draft law on the national referendum was developed. It envisages the proper procedure of holding national referenda and meets the requirements set by the Constitution and the European standards of holding referenda.

Currently, the CPLR's efforts are aimed at the adoption of this law.





---

## JUDICIAL REFORM

### **Preparation of annual reports on the state of independence of judges launched**

These reports are alternative to the official ones prepared by the High Council of Justice (HCJ). "Shadow" reports demonstrated that the official position of the HCJ in this issue was one-sided, while some important problems were silenced. The first report for 2017 forced the HCJ to improve the quality of the official report in the following year, however, the situation with the protection of whistleblower judges and "imbalances" in disciplinary practice did not change. Alternative reports demonstrate that the HCJ has not become an agent of real changes in the judiciary.

### **Analytical reports prepared based on monitoring of procedures in the High Qualification Commission of Judges and High Council of Justice**

In partnership with other organizations, we conducted a number of studies and published relevant analytical materials on the formation of the Supreme Court, qualification assessment of judges, and other initiatives in the framework of the judiciary reform. We proved with specific examples that many decisions of the judges' self-government had manipulative nature. The results of these studies influenced the adoption of political decisions, including on introduction of the special procedure for recruitment of Higher Anticorruption Court judges as well as on legislative procedure for termination of powers of High Qualification Commission of Judges members and introducing the new procedure of its formation.

### **Initiative on innovation implementation in courts, customer-oriented approach and simplification of trial procedures mainstreamed**

We gathered the best examples of innovations implemented by the Ukrainian courts to become more comfortable and convenient for customers and make these examples public in the form of an article and an interactive map. In this way, we provided information support to courts that implement innovations in their activities and showcased their examples to other courts. It can be stated that the service-oriented approach is becoming a new trend in the work of courts.



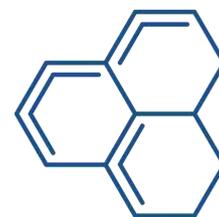


## OPEN COURT IS A MODERN COURT

As part of the grant funding provided by the CPLR on a competitive basis, CSO "Bureau of Legal Communications" prepared the rating of informational openness of courts and shared developed recommendations with courts in order to encourage more active communication of courts with citizens.

As a result, certain courts published photos of court leadership on their respective web-pages, started to update "News" section more frequently and intensified communication through social media. Apart from that, experts of the CPLR provided informational support to courts which implemented customer-oriented innovations in their work.





## **PUBLIC ADMINISTRATION: reform of ministries, central executive bodies (CEBs), civil service**

### **The reform of the ministries is based on the model proposed by the CPLR experts**

The model provides for the establishment in the structure of the ministries of independent units for the development of state policy (directorates). CPLR experts advised the government on the reform of the eight pilot ministries; their suggestions were used by the Cabinet of Ministers of Ukraine in the preparation of the Concept for Optimization of the CEBs system. Head of the CPLR Board Ihor Koliushko was a member of the Coordination Council on Public Administration Reform.

### **Draft Law of Ukraine "On the Cabinet of Ministers of Ukraine and Central Executive Bodies" developed**

The draft law developed by the experts of the EU4PAR project with the participation of the CMU Secretariat and the CMU Reforms Delivery Office was based on a concept drafted by CPLR experts. The discussion of the draft law was held on August 15, 2019, with the participation of representatives of the authorities, the public, and scholars.

### **Proposals to the Draft Law of Ukraine "On Amendments to the Law of Ukraine "On Civil Service" were submitted**

CPLR experts were part of the National Agency of Ukraine for Civil Service (NAUCS) working group on the preparation of the mentioned draft law in terms of improving the procedure for admission to the civil service, training of civil servants and their remuneration. CPLR experts prepared and submitted to the consideration of the NAUCS an alternative draft law, some provisions of which were taken into account in preparing the final version of the draft law. However, the amendments to the Law "On Civil Service" reflect only a small part of them.





## **PUBLIC SERVICE REFORM: ESTABLISHMENT OF DIRECTORATES**

In 2017 during the public service reform in 10 pilot ministries was established policy directorates. Policy directorates are fundamentally new structural units assigned with functions of analysis and policy making, strategic planning of ministries' work and developing drafts of legislative support of reforms. In this way propositions of CPLR about structural organization of ministries were taken into account. By March 2019, 58 policy directorates with more than 500 reforms specialists had been established in 13 central executive bodies.

In 2018 according to the survey held by the Ilko Kucheriv "Democratic Initiatives" Foundation establishment of policy directorates in ministries was named among five most successful reforms. In the same time "The Monitoring Report on Implementation in 2017-2018 of the Public Administration Reform Strategy of Ukraine for 2016-2020" prepared by experts of the CPLR showed that not all policy directorates operated as intended. The thing is that in the separate ministries there is lack of proper tasks for them, and using resources of directorates for the non-profile functions.

It should be noticed, that new Government, which was appointed in 2019, did not refused the conception of directorates as structural departments of ministries and promised to complete their establishment.





## **PUBLIC ADMINISTRATION: administrative procedure, administrative fee, centres for provision of administrative services (CPASs), passport legislation**

### **Draft of the Law of Ukraine “On Administrative Procedure” developed**

Experts of the CPLR were members of the working group at the Ministry of Justice of Ukraine on the improvement of the draft law on administrative procedure. The CPLR succeeded in preserving all important provisions on fair administrative procedure. The updated document was positively assessed by SIGMA program and registered in the Parliament in December 2018. The main provisions of this draft law were explained and discussed at regional training events held by the CPLR in cooperation with partners.

### **Activities of 50 CPASs monitored and relevant recommendations on the improvement of administrative services provision quality developed.**

Along with the regional partners we studied the work of 50 CPASs in the whole country (30 in major cities and 20 in united territorial communities). The monitoring allowed us to estimate the level of CPASs' progress in Ukraine during the last few years. The monitoring results and the relevant recommendations to improve the quality of work were shared with all participating CPASs. Moreover, the monitoring results were used by CPLR to develop for the Government, subject ministers and the parliamentary committee recommendations concerning the improvement of quality of administrative services and CPASs' operation.

### **A number of training seminars held on efficient mechanisms of administrative services integration to CPASs, use of the general administrative procedure, etc.**

Training seminars were held in Kyiv, Lviv, Odesa, Dnipro, Kharkiv with the participation of regional partners. These events served as a space for sharing experience and best practices between officers of local self-governments, officials of CPASs, academicians and civil activists.





## CITIZENS APPRECIATE THE WORK OF CENTRES FOR PROVISION OF ADMINISTRATIVE SERVICES IN UKRAINE AND THE LEVEL OF INTEGRITY OF THEIR SERVICES

According to the data of the sociological surveys on the quality of administrative services that were conducted as part of the Project, positive trends were revealed in citizens' attitudes towards CPASs. In 2015 83% of respondents positively assessed the work of CPASs, whereas in 2019 this number rose to 90,9%.

The level of customers' satisfaction with the courtesy and competence of the CPASs' staff was 95%. CPLR significantly contributed to the achievement of these results since for many years it has been holding training seminars for staff of CPASs and working on issues of methodology and legislation in this area.

**ЗАКОНОПРОЕКТ «ПРО АДМІНІСТРАТИВНУ ПРОЦЕДУРУ»**

**СУЧАСНИЙ СТАН:**

Замість загальної адміністративної процедури в Україні переважає підзаконне регулювання а багато окремих процедур / законів.  
Замість єдиного закону про адміністративну процедуру в Україні використовується переважно підзаконне (інструкційне) регулювання, а також велике різноманіття до регулювання однорядкових відносин ( різні строки оскарження, вимоги до представництва тощо).

**2** **Право особи бути вислуханою не зафіксоване чітко навіть у заявному законодавстві (не говорячи про втручальне), і не забезпечується на практиці.**  
Приватні особи можуть зменшити розмір державної пенсії, навіть не ставлячи її до відома про ініціативу для перегляду розміру такої пенсії. Тобто особа може дізнатися про відповідне рішення (адміністративний акт) вже після його прийняття.

**4** **Особам не повідомляється про право та порядок оскарження адміністративних актів.**  
Громадяни обмежені у можливості захисту своїх прав.

**5** **Адміністративні органи не мотивують несприятливі адміністративні акти.**  
У кращому разі є лише посилання на норму закону, на підставі якої приймається такий акт.

**7** **Адміністративне оскарження не ефективне.**  
Оскарження до вищих органів не дає результату через відому заангажованість. Суди перевантажені.

**Незалучення «заінтересованих осіб» до прийняття адміністративних актів.**  
Така категорія суб'єктів взагалі відсутня в адміністративному законодавстві, яке регулює діяльність публічної адміністрації. Наприклад, прийняття рішень у сфері будівництва здійснюється без залучення заінтересованих осіб.

**Адміністративні органи можуть відкликати, визнати недійсним чи скасувати власний акт практично без обмежень.**  
Таке свавілля особливо притаманне при зміні політичної влади, яка має вплив на адміністративні органи (наприклад, міських голів, голів місцевих державних адміністрацій тощо).

**ПРОПОЗИЦІЇ ЗМІН:**

✓ Один закон про загальну адміністративну процедуру в інших законах – тільки особливості (за потреби).

✓ Встановлення права особи бути вислуханою перед прийняттям несприятливого адміністративного акта.

✓ Впровадження категорії «заінтересованих осіб» в адміністративній процедурі.

✓ Гарантування права особи на доступ до матеріалів справи.

✓ Встановлення обов'язку адміністративних органів мотивувати свої рішення та зазначати порядок їх оскарження у кожному негативному адміністративному акті.

✓ Прості правила щодо «представництва» в адміністративному провадженні. Не завжди буде обов'язковим нотаріальна довіреність.

✓ Встановлення правил щодо неупередженості посадових осіб адміністративних органів та порядку їх відводу/самовідводу.

✓ Правило мовчазної згоди при отриманні погоджень і висновків від інших адміністративних органів.

✓ Визначено особливості адміністративного провадження у справах з великою кількістю осіб.

✓ Встановлено правило про те що адміністративний акт набуває чинності з моменту доведення його до відома особи (особ): визначено порядок такого доведення.

✓ Створення нових умов для ефективного оскарження адміністративних актів в адміністративному порядку (через залучення громадськості).

✓ Врегульовано питання відкликання, визнання недійсним, скасування адміністративних актів. Зафіксовано правило про захист «довіри».

✓ Врегульовано питання примусового виконання адміністративних актів.

**ЦППР**  
Центр публічного управління та реформи





## LAW ENFORCEMENT AGENCIES

### **Participation of communities in law enforcement comprehensively researched for the first time in Ukraine**

Findings of the analysis of legal enforcement and practical activity of communal law enforcement units, municipal guards, "sheriffs" and other forms of communities' participation in the enforcement of law during 2019 were laid down in the publication "Participation of communities in law enforcement in Ukraine". The publication is used by local self-governments and civil society organizations to identify the best modalities of communities' participation in law enforcement and to set the limits of their authorities.

### **The activity of the Qualification and Disciplinary Commission of Prosecutors researched for the first time in Ukraine**

Findings of the analysis of the practice of bringing prosecutors to disciplinary liability by the Qualification and Disciplinary Commission of Prosecutors (QDCP) during 2017-2018 served as a basis for the publication "Disciplinary Liability of Prosecutors in Ukraine". Conclusions and recommendations were thoroughly discussed with the QDCP staff which used them in their work thereafter. After the QDCP ceased its operation due to reform of the prosecution bodies, newly established personnel commissions that also perform disciplinary function have been using this publication for developing their own practice of bringing prosecutors to disciplinary liability.

### **The activity of police commissions comprehensively researched for the first time in Ukraine**

Findings of research of legal regulation of commissions' activity, their staffing, court practice of appealing the commissions' decisions and other issues were set out in the publication "Police Commission in Ukraine: Report on Research Results". Its conclusions and recommendations were discussed with the leadership of the National Police of Ukraine and certain police commissions, including the main one. On the basis of problems identified due to discussions, a draft law was developed which is now being agreed with the leadership of the National Police prior to its submission by the Cabinet of Ministers of Ukraine.



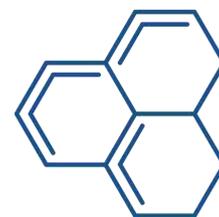


## NATIONAL POLICE NEEDS PROPER ASSESSMENT

In 2017 civil society, including experts of the CPLR, called upon the Government not to approve the poor-quality Procedure of Assessing Public Trust in the National Police. Critical comments, in particular, pointed at deficiencies in research methodology, opportunities for the police to undermine the impartiality of research results, lack of conformity with other legal acts, etc. Furthermore, the experts developed a number of recommendations for improving the document.

As a result, the majority of recommendations had been taken into account by early February 2019 when the Government approved the Procedure of Assessing Public Trust in the National Police. Adoption of this document is envisaged by the Law "On National Police of Ukraine" of 2015 and provides for annual nationwide assessments of the police by independent polling companies selected according to the Law "On Public Procurements".





## ANTICORRUPTION SPHERE

### **Methodology for the analysis of anti-corruption programs developed and applied for the analysis of anti-corruption programs of public bodies**

The results of the analysis demonstrate that the assessment of corruption risks and anti-corruption programs in public bodies introduced in 2014 has not become an efficient preventive mechanism. In order to improve situation experts of the CPLR prepared relevant recommendations for public bodies.

### **A practical guide on issues of criminal qualification and pre-trial investigation of corruption and corruption-related crimes published**

The publication "Corruption Schemes: Criminal Qualification and Pre-Trial Investigation" was designed for detectives of NABU and SBI, judges of HAC, officials of the NACP, Asset Recovery and Management Agency and others. The publication contains methodological recommendations on the investigation of the said crimes. It was presented in the NABU and SBI and disseminated among officials of relevant public bodies.

### **Results of studies formed the basis of draft laws**

For instance, draft of Law of Ukraine "On Amending Certain Law of Ukraine (on Responsibility for Corruption and Corruption-Related Crimes)" was prepared based on the following research reports: "Generalization of Court Practice in Cases on Administrative Offences Related to Corruption (articles 172-4-172-9 of the Code of Ukraine on Administrative Offences)", "Conclusion on the State of Implementation in the Criminal Code of Ukraine of Provisions of Anti-Corruption Conventions on Setting Criminal Liability for Corruption Crimes", "Conclusion on Consistence of Provisions of Laws "On Prevention of Corruption", Criminal Code of Ukraine, Criminal Procedural Code of Ukraine, and Code of Ukraine on Administrative Offences", "Generalization of Issues in Enforcement of the Law of Ukraine "On Prevention of Corruption" as well as the Criminal Code of Ukraine, Criminal Procedural Code of Ukraine, and Code of Ukraine on Administrative Offences".

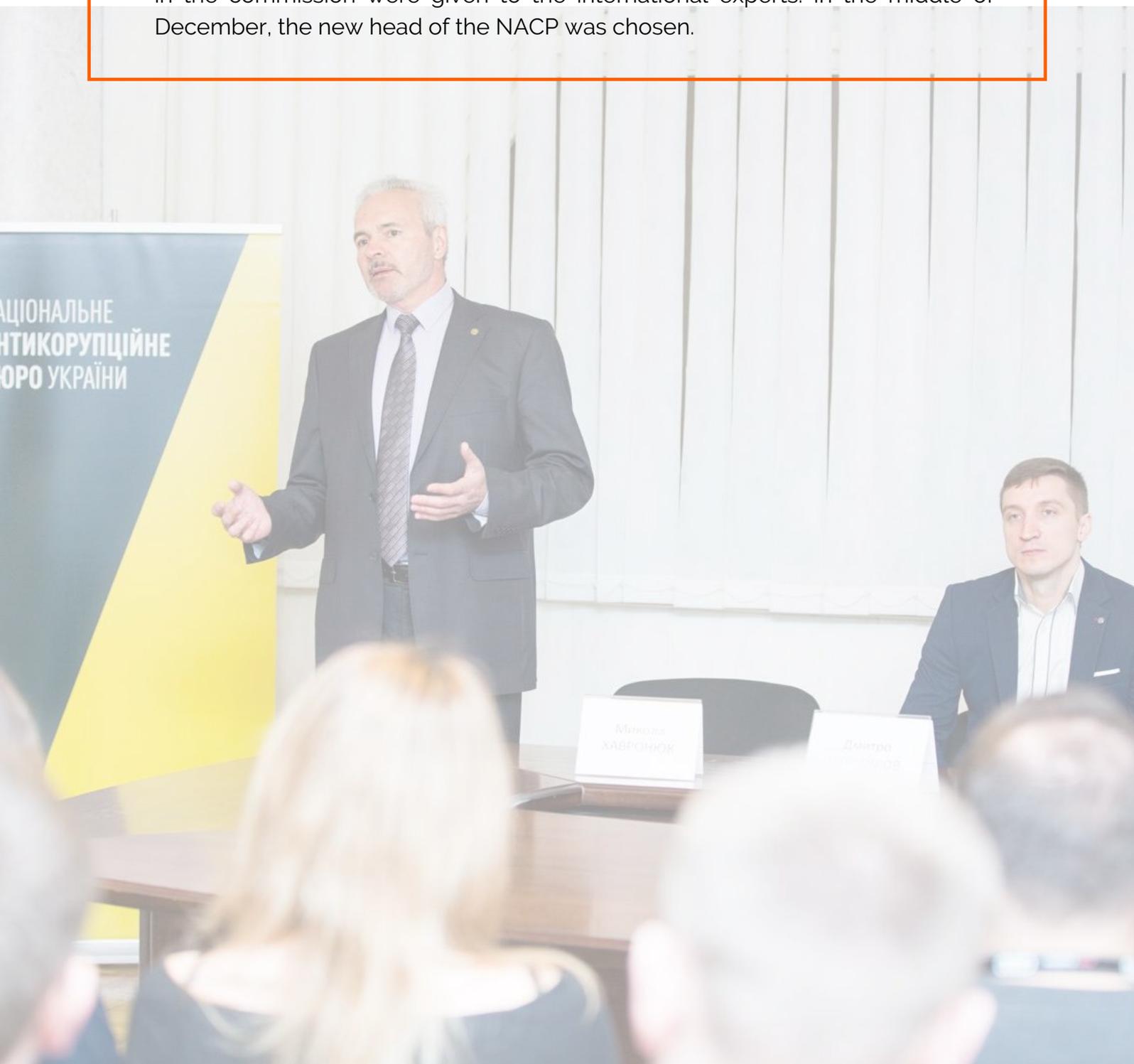


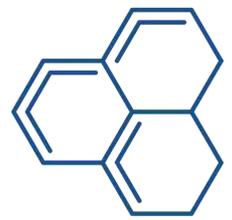


## **NACP: MAKING A FRESH START**

Experts of the CPLR have been actively advocating the necessity to reload the National Agency on Corruption Prevention since for the last three years this body has been inefficient in carrying out tasks assigned to it.

Experts of the CPLR along with representatives of other civil society organizations prepared the concept for reload of the NACP and the majority of its provisions was included to the law adopted in October 2019. As a result, at the beginning of November work of the commission to select the new head of the NACP through the competitive procedure was launched, and the key roles in the commission were given to the international experts. In the middle of December, the new head of the NACP was chosen.





---

## PROJECT RESULTS IN FIGURES

**36**

draft  
laws

**297**

analytical  
documents

**60**

political  
points

**149**

articles

**22**

newsletters

**12**

law enforcement  
reform digests

**14**

publications

**6**

training  
materials

**35**

infographics

**942**

working  
meetings

**22**

press-  
conferences

**17**

round-  
tables

**35**

training  
seminars

**3**

conferences

**7**

strategic  
sessions

**4**

sociological  
surveys

**15**

microgrants

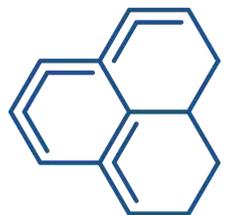
**101**

involved  
experts

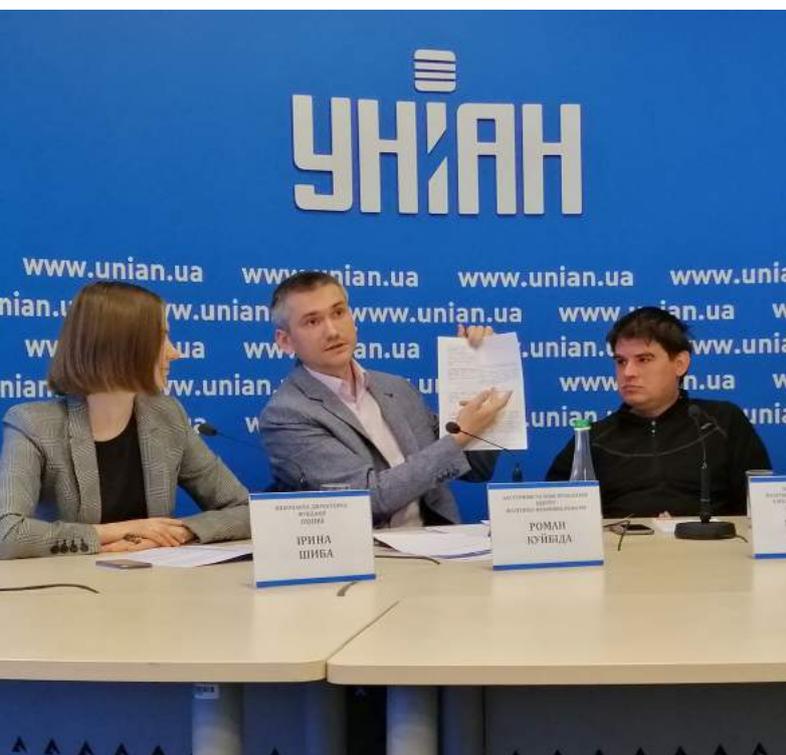


---

FOR NOTES







---

01001, Kyiv, Ukraine,  
4 Khreshchatyk st., of. 13  
+38 044 278 03 17  
+38 044 278 03 72  
centre@pravo.org.ua

[www.pravo.org.ua](http://www.pravo.org.ua)  
[www.facebook.com/pravo.org.ua](https://www.facebook.com/pravo.org.ua)