

THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY UKRAINE

ARTICLE 8 UNCAC

CODES OF CONDUCT FOR PUBLIC OFFICIALS

UKRAINE (EIGHTH MEETING)

In accordance with art.8 of the Convention the measures for establishment of the Code of conduct in the Prosecutor General's Office of Ukraine were taken.

Establishment of the prosecutorial self-governance.

Moreover, the adoption of a new Law "On the Public Prosecutor's Office " on 14 October 2014, which replaced the law of 1991, was part of a major reform of the prosecution service. Inter alia, it was aimed at restricting the functions of the prosecution service, improving the provisions to secure the independence of prosecutors, establishing more specific criteria and processes for the appointment of prosecutors, improving the criteria and processes used for disciplinary action against prosecutors, and introducing arrangements to secure self-governance within the prosecution service. Several new provisions, including those amending the appointment and disciplinary procedures and prosecutors' self-governance, will enter into force only in April 2017. While the present report is based on the new legislation, it needs to be borne in mind that its implementation - which requires i.a. institutional reforms - is an on-going process.

6) Establish or strengthen existing disciplinary procedures and mechanisms to enforce codes of conduct or ethics, standards of professional conduct and conflict of interest legislation

By the Law of Ukraine "On prevention of corruption" introduced regulatory basis for the effective functioning of the prevention and settlement of conflicts of interest, preventing corruption in public service, which has a distinctly preventive nature.

On 18 of March 2015 by the resolution of Cabinet of Ministers of Ukraine was created the National Agency as a central executive body with special status, the authority which, was authorized on:

monitoring and control over implementation of legislation on ethical behavior, the prevention and settlement of conflicts of interest in the activities of persons authorized to perform the functions of the state or local self-government and persons equated to them;

providing clarification, guidance and consulting on issues of application of legislation on ethical conduct, prevention and settlement of conflicts of interest in the activities of persons authorized to perform the functions of the state or local self-government and persons equated to them.

The law also empowers the National Agency on:

to obtain from persons authorized to perform the functions of the state or local self-government a written explanations about circumstances that may indicate a breach of ethical conduct, prevention and settlement of conflicts of interest, other requirements and restrictions stipulated by this Law regarding the correctness of the information specified in the declarations of persons authorized to perform state functions or local self-government.

In case of identifying violations of this Law regarding ethical behaviour, prevention and settlement of conflicts of interest in the activities of persons authorized to perform the

functions of the state or local self-government and persons equated to them, or any other violation of this Law, National Agency shall send to the head of the body, enterprise, institution a requirement to eliminate violations of the law, to conduct service investigation, to bring the perpetrator to the statutory liability. The requirement of the National Agency is binding. Official to whom the requirement of the National Agency is addressed shall inform the Commission on the results of its fulfilment within ten working days after receipt of the requirement.

складати протоколи про адміністративні правопорушення, застосовувати If signs of administrative offenses linked with corruption are detected, authorized representatives of the National Agency are making report on the offense and send it to the court by a decision of the National Agency. Agency's opinion is binding for consideration the results of which shall be delivered to the Agency no later than five working days upon receipt of information about committed offense.

With the purpose of forming one single approach to understanding and following the rules for prevention and solving conflicts of interest by officials authorized to fulfill functions of the state and the individuals duly deemed to be equal to them, the National Agency on Corruption Prevention approved Methodological Recommendations on prevention and solving conflicts of interest in activity carried by officials authorized to fulfill functions of the state and the individuals duly deemed to be equal to them.

In addition, there has been developed the Methodological Recommendations on transferring enterprises and/or corporate rights control with the purpose of preventing conflicts of interest.

The Procedure for Protocols on administrative offences and on submission of instructions issued by the National Agency on Corruption Prevention has been approved.

On the basis of information received on corruption defenses committed by officials authorized to fulfill functions of the state, or local authorities, or officials of legal entities under public law, there have been initiated and carrying 146 inspections against them (with 98 inspections on availability/absence of conflict of interest, 15 – on transfer of managerial rights or corporate rights and 4 – others restriction of anticorruption legislation).

Moreover, the National Agency on Corruption Prevention is inspecting the high rank officials' activity concerning their compliance to the Law regarding:

Violations of restrictions for national deputies of Ukraine to be involved in other forms of work that is deemed contrary opposing to their main functions;

Availability of conflict of interest in the activity of the Deputy Minister of Justice.

On a regular basis there have been providing consultations and making clarifications on stipulated by the Law restrictions concerning conflict of interest, chairing contrary opposing positions, receiving gifts, and other restrictions under the Law, inter alia, there has been conducted the seminars and training courses on corresponding issues for officials authorized to fulfill functions of the state, and local authorities (self-governments).