

Information on ensuring the functioning of the National Agency on Corruption Prevention

Ensuring personnel, organizational and logistical capacities of the National Agency on Corruption Prevention (hereinafter referred to as NACP) in order to perform its functions

15 January, 2020, O. Novikov was appointed as the Head of NACP for a term of four years.

According to part 6 of Article 5 of the Law of Ukraine “On Prevention of Corruption”, the Head of NACP can have three deputies whom he appoints and dismisses.

27 January, 2020, Two Deputy Heads of NACP were appointed.

5 February, 2020, the Regulation on the apparatus of NACP has been adopted.

28 February, 2020, the new structure of NACP was approved, with a staff of 354 persons.

As of March 31, 2020, NACP has employed 284 persons, which amounts to 80.2% of the total staff (see Table).

№	Indicators	Units
1	Staff size	354
2	Actual staff numbers	284
2.1	among them: men	126
2.2	Women	158
3	Number of persons holding managerial positions	61
3.1	among them: men	35
3.2	women	26
4	specialists	223
4.1	among them: men	91
4.2	Women	132

For the purpose of training and sharing of experience, 8 employees of NACP have undergone trainings on declaring and identifying, resolving conflict of interest in the National Integrity Agency (Republic of Romania) from 3 to 7 March 2020.

Since the end of 2019, NACP have been completing the construction and put into operation a NACP Data Center (which is housed in NACP premises). The Center was created to provide the efficient use of equipment which contains NACP information and telecommunication systems, its proper use as well as the proper conditions for storing information and restoring it in the case of an emergency situations or failures.

The total amount of expenditures provided for NACP in 2020 is 405 million UAH (as of 24.04.2020 13.7 million EUR).

In March 2020, in order to improve the level of qualification of senior officials authorized to perform the functions of state or local government, civil servants, officials of local government in the field of preventing and combating corruption, there were 2 trainings held in the premises of NACP on the issues of electronic declaration, where 124 authorized persons for prevention and detection of corruption of central executive bodies and regional state administrations took part.

Strengthening the institutional capacity of NACP verification

NACP performs control of declarations of persons authorized to perform functions of the state or local government (hereinafter referred to as declarations) in accordance with Rules of procedure for carrying out controls and comprehensive verification of asset declarations of persons authorized to perform the functions of the state or local self-government, adopted by the decision of NACP № 56, February 5, 2017, through employees of structural divisions whose are responsible for the implementation of such functions, and automatically by means of software of information and telecommunication system for logical and arithmetic control of declarations (hereinafter referred to as ITS LAC).

The technical component of the institutional capacity of NACP for verification of declarations is ensured and the practice of its application is being strengthened.

Since the beginning of functioning of the information and telecommunication system “Unified State-Owned Register of declarations of persons authorized to perform functions of the state or local government” (hereinafter referred to as ITS Register) (starting from September 1, 2016 according to the decision of NACP №16 “On admission to the permanent (industrial) exploitation of the information and telecommunication system “ITS Register”) from August 31, 2016, four stages of electronic declaration have taken place in Ukraine. The fifth phase of declaring is currently under way, until 01 June 2020, in accordance with the Law of Ukraine № 530-IX “On amendments to certain legislative acts of Ukraine aimed at preventing the emergence and spread of coronavirus disease (COVID-19)” from 17 March 2020.

As of March 31, 2020, more than 1 million 354 thousand subjects of declaration are registered in the ITS Register; about 5 million 80 thousand electronic documents, including about 4 million 319 thousand electronic declarations, 538 thousand corrected electronic declarations and more than 223 thousand reports of significant changes in property status were submitted to the ITS Register.

Beginning from January 15, 2019, NACP applies on a permanent basis ITS LAC under the control of declarations (in accordance with the decision of NACP № 38 "On providing technical possibility of applying the system of logical and arithmetic control of declarations submitted by the subjects of declaration" from 15 January, 2019).

During logical and arithmetic control of declarations uses information from registers and information data bases to which NACP has automated access.

NACP is provided with automated exchange with 16 state registers and information data bases necessary for effective verification of the declarations.

The legal framework for institutional capacity of the NACP for verification of declarations is being improved.

NACP (with involvement of domestic experts in the framework of the international technical assistance projects "EU Anti-Corruption Initiative in Ukraine" and "Support to Anti-Corruption Champion Institution Program) is currently working on amendments to the Rules for logical and

arithmetical control of declarations of the persons authorised to perform functions of the state or local government, automatized verification of these declarations and their weighting factors. During the 1st quarter of 2020 following drafts acts have been already developed:

- Rules of control and verification of the declaration of a person authorized to perform functions of the state or local government;

- Rules of the selection of declarations of persons authorized to perform functions of the state or local government, for carrying out their obligatory full verification and determining the order of such verification on the basis of risk assessment;

- Rules of the automatic division of responsibilities for carrying out verifications between authorized persons of NACP.

In addition, there were following draft documents within NACP developed:

- Rules of submitting prescriptions of NACP;

- Rules of obtaining information by NACP from the Unified Register of Pre-trial Investigations.

Information requested from States parties in relation to best practices, lessons learned and challenges encountered in their efforts to enhance the effectiveness of anti-corruption bodies (art. 6 of the Convention)

Article 6, paragraph 1

1. Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption by such means as:

- a) implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies;*
- b) Increasing and disseminating knowledge about the prevention of corruption.*

1. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

On October 14, 2014, the Verkhovna Rada of Ukraine in the second reading adopted a number of laws of Ukraine on anticorruption issues, in particular: "Principles of State Anticorruption Policy in Ukraine (Anticorruption Strategy) for 2014-2017", "On the National Anti-Corruption Bureau of Ukraine", "On Corruption Prevention".

A separate area of the anti-corruption reform as indicated in the Strategy is the creation of an independent body that would conduct criminal intelligence activities and pre-trial investigation in criminal corruption offences. The legal basis for the formation of such a body is created by the Law of Ukraine "On the National Anti-Corruption Bureau of Ukraine" (dated October 14, 2014 No. 1698-VIII). In January 2015, for the first time in the history of modern Ukraine, an open competition for the vacant position of the head of a state body was announced. 186 candidates for the position of director of the National Anti-Corruption Bureau of Ukraine submitted their documents. Artem Sytnyk won the competition.

On April 16, 2015, the President of Ukraine signed two decrees: No. 217/2015 - on the formation of the National Anti-Corruption Bureau of Ukraine and No. 218/2015 - on the appointment of Artem Sytnyk as the Director of the National Bureau. From that moment started the establishment of a new state body.

- **Description of the main body or bodies that prevent corruption and, if applicable, oversee and coordinate the implementation of the policies referred to in article 5 of the Convention:**

The National Anti-Corruption Bureau of Ukraine (hereinafter referred to as the National Bureau) is a state law enforcement agency with the key objective of preventing, exposing, stopping, investigating and solving corruption-related offences committed by

high officials, and averting new ones.

The task of the National Bureau is to counter criminal corruption offences committed by senior officials authorized to perform the functions of state or local government, and pose a threat to national security, as well as to take other measures prescribed by law to combat corruption.

The National Bureau consists of central and territorial offices. Structure, staffing, regulations on structural units, job descriptions of employees of the National Bureau are approved by the Director of the National Bureau.

Three territorial departments have been set up to support the tasks of the National Anti-Corruption Bureau of Ukraine:

- Lviv, authority (jurisdiction) extends to Lviv, Volyn, Transcarpathian, Chernivtsi, Ternopil, Ivano-Frankivsk, Rivne, Khmelnytsky regions,
- Odessa, the jurisdiction (jurisdiction) extends to the Odessa, Kherson, Mykolaiv and Kirovograd regions
- Kharkiv, authority (jurisdiction) extends to Kharkiv, Sumy, Poltava, Dnipropetrovsk, Zaporizhia, Luhansk, Donetsk oblasts (including the territory of the Joint Forces Operation).

The limiting number of central and territorial departments of the National Bureau in accordance with Article 5, paragraph 6 of the Law of Ukraine "On the National Anti-Corruption Bureau of Ukraine" is 700 persons, including not more than 500 members of the command staff.

■ **Description of the measures taken that such body or bodies: effectively disseminate knowledge about the prevention of corruption and deal effectively with grievances and complaints from citizens concerning corruption:**

The National Bureau undertakes measures to disseminate information on the prevention of corruption, as well as the development and implementation of measures to raise awareness among national and international audiences of the mission, objectives, consistency and achievements of the National Bureau, and to promote a negative attitude to corruption in the community in accordance with the plan of measures for education and dissemination of information concerning anti-corruption programmes at the National Anti-Corruption Bureau of Ukraine for the respective year, which is annex to the Bureau's National Anti-corruption Programme.

Thus, detective units take part in the training of anti-corruption legislation for employees of state bodies, institutions and organisations, the Office of Internal Control provides seminars, lectures, trainings on anti-corruption legislation and requirements of the international standard in the field of anti-corruption for employees of Ukraine, including online using the National Bureau's internal portal, and the Office of External Communications and the territorial units provide extensive coverage of information aimed

at raising the level of legal education of the population, in particular as regards knowledge and understanding of the provisions of anti-corruption legislation, including the powers of the National Bureau.

At the same time, consideration of petitions of individuals and legal entities is carried out in complex units of the National Bureau in compliance with the requirements of the Criminal Procedure Code of Ukraine and the Instruction on the procedure for consideration of petitions of citizens, statements and reports on criminal offences, deputies' requests, appeals and requests of the People's Deputies of Ukraine. Ukraine and its territorial units, approved by the order of the Director of the National Bureau of February 28, 2019 No. 34.

One can report corruption through:

- writing appeals in paper form - at the following address: 3 Vasylia Surykova street, Kyiv, Ukraine, 03035;
- a free special multichannel telephone line 0-800-213-200, which allows receiving reports of possible corruption offences from citizens;
- Public reception in the premises of the National Bureau: 3 Vasylia Surykova street, Kyiv, Ukraine;
- feedback forms on the official website www.nabu.gov.ua;
- personal reception of the Director of the National Bureau, deputies and heads of structural divisions, to which any citizen can apply in due course.

Electronic forms of appeals simplify and shorten the process of information transmission. The user is only required to provide their contact details and state the circumstances that may indicate a criminal offence.

If necessary, you can add video, audio and photo material to confirm the information presented. The National Bureau also accepts anonymous calls both by mail and by toll-free telephone line.

Territorial units also provide the possibility of receiving requests from citizens. Thanks to their work, the number of appeals to the National Bureau is constantly increasing. Jurisdiction of territorial units covers Western, Southern and Eastern Ukraine. The directors of the territorial units of the National Bureau inform, inter alia, the results of the institution's work during conferences, forums and lectures initiated by Ukrainian and international organisations. Regular outreach meetings help inform the public about the work of the National Bureau and receive information about possible corruption crimes.

3. Please provide examples of the implementation of those measures, including related court or other cases and available statistics.

In relation to article 6, para 1 and examples of implementation of those measures, States parties and signatories may wish to consider including the following:

- **Reports prepared by the body or bodies that prevent corruption, notably on**

their effectiveness:

No later than February 10 and August 10, each year, the Director of the National Anti-Corruption Bureau of Ukraine shall submit to the President of Ukraine, the Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine a written report on the activities of the National Bureau during the previous six months. All reports, in particular, are available on the official website of the National Bureau and are available at: <https://nabu.gov.ua/reports>

The information that should be included in the report is statistics on the results of the activity, with the following information being required:

- the number of registered statements and reports on criminal offences in the context of criminal offences attributed by law to the jurisdiction of the National Bureau;
- the number of operational investigative cases initiated by the National Bureau and their effectiveness;
- the number of persons charged with criminal offences referred to by the law to be under the jurisdiction of the National Bureau;
- the number of persons on whom the conviction of a court for committing criminal offences attributed by law to the jurisdiction of the National Bureau came into force;
- the number of persons on whom the acquittal of the court for committing the relevant offences has come into force;
- information separately by categories of persons mentioned in part one of Article 3 of the Law of Ukraine "On Prevention of Corruption";
- information on the amount of damages caused by criminal offences attributed by law to the jurisdiction of the National Bureau, the state and extent of their compensation;
- information about the funds and other property obtained as a result of committing criminal offences attributed by law to the jurisdiction of the National Bureau, confiscated by court decision, as well as funds in the amount of illegally obtained services or privileges, collected in favour of the state, and disposing of them;
- information on funds and other property obtained as a result of criminal offences attributed by law to the jurisdiction of the National Bureau, which was returned to Ukraine from abroad, and their storage;
- information on the seizure of property, confiscation of items and proceeds from criminal offences attributed by law to the jurisdiction of the National Bureau, and their disposal;
- the number of submitted submissions on elimination of the reasons and conditions that facilitated the commission of a criminal corruption offence;
- the results of the integrity checks;
- other information concerning the results of the activities of the National Bureau and the fulfilment of its duties.

■ **External reports on the effectiveness of the body or bodies that prevent**

corruption:

Pursuant to Article 26, paragraph 6 of the Law of Ukraine “On the National Anti-Corruption Bureau of Ukraine”, an independent assessment (audit) of the effectiveness of the National Bureau, its operational and institutional independence is conducted annually, including through the selective audit of criminal proceedings conducted by the National Bureau and was completed.

The said assessment (audit) is conducted by a three-member external control panel. The President of Ukraine, the Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine each year appoint one member of the commission from a number of persons who have considerable experience in pre-trial investigation bodies, prosecutor's offices, courts abroad or international organisations, possess the necessary knowledge and skills to carry out such assessment (audit) and have a goodwill. Persons specified in paragraphs 1-3 of part one of Article 13 of this Law, and persons authorized to perform the functions of state or local self-government in accordance with the Law of Ukraine “On Prevention of Corruption” may not be members of the Commission for External Control. The members of the external control commission act independently and do not have to carry out any orders, instructions given by any person.

Article 6, paragraph 2

2. Each State Party shall grant the body or bodies referred to in paragraph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided.

4. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.

In relation to article 6, para 2 and measures/steps that have been taken, States parties and signatories may wish to consider including the following:

- **Description of laws, policies and procedures ensuring the independence of the body or bodies that prevent corruption, notably those aligned with the “Jakarta Statement on Principles for Anti-Corruption Agencies”, aimed at enabling them to carry out their functions effectively and protect them from any undue influence:**

The independence of the National Bureau and its employees is defined in paragraph 5 of part 1 of Article 3 of the Law of Ukraine “On the National Anti-Corruption Bureau of Ukraine” as one of the principles of the National Bureau.

Article 4 of the Law of Ukraine “On the National Anti-Corruption Bureau of

Ukraine” defines the guarantees of independence of the National Bureau, in particular independence is guaranteed:

- 1) a special procedure for competitive selection of the Director of the National Bureau and an exhaustive list of grounds for termination of the powers of the Director of the National Bureau, which are defined by this Law;
- 2) competitive selection of other employees of the National Bureau, their special legal and social protection, proper conditions of remuneration;
- 3) the procedure established by law for financing and logistics of the National Bureau;
- 4) the means of ensuring the personal safety of employees of the National Bureau, their close relatives, and property, as defined by law;
- 5) by other means specified by this Law.

Use of the National Bureau for party, group or personal interests is not permitted. Activities of political parties in the National Bureau are prohibited.

Unlawful interference by state bodies, local self-government bodies, their officials, political parties, public associations, other individuals or legal entities in the activities of the National Bureau is prohibited.

Any written or verbal instructions, requests, orders, etc., addressed to the National Bureau or its staff, which relate to issues of pre-trial investigation in a specific criminal proceeding and are not provided for in the Criminal Procedure Code of Ukraine, are unlawful and non-enforceable.

In the event of such instruction, requirements, warrant, etc., an employee of the National Bureau shall immediately inform the Director of the National Bureau in writing.

In addition, the National Bureau has implemented and operates an anti-corruption management system in accordance with the international standard ISO 37001: 2016 Anti-Bribery Management System, as evidenced by the results of an independent certification audit conducted by the National Bureau during February-March 2019.

■ **Description of the material resources, specialized staff, and training facilities for staff:**

Financial and logistical support for the activities of the National Bureau is defined in Articles 24 and 25 of the Law of Ukraine “On the National Anti-Corruption Bureau of Ukraine”.

The financial support of the National Bureau is provided at the expense of the State Budget of Ukraine within the budget programme. The financing of the National Bureau at the expense of any other sources is prohibited, except in cases stipulated by international agreements of Ukraine or projects of international technical assistance.

Pursuant to Article 10, paragraph 8, of the Law of Ukraine “On the National Anti-Corruption Bureau of Ukraine”, employees of the National Bureau regularly, but at least once every two years, undergo mandatory training. In compliance with this provision of

the Law, the National Bureau constantly undertakes measures to organise the training of its employees in order to improve their professional level and to acquire new skills in the light of the best world practices and international experience.

In addition, representatives of the National Bureau are constantly attending conferences both within Ukraine and abroad, which is an important element in building effective partnerships to expose corruption crimes.

The National Anti-Corruption Bureau is a unique body in the Ukrainian law enforcement system. It has a fully autonomous structure that is capable of carrying out all functions - from analytical work to detention of suspects. This makes the National Bureau independent of the work of other bodies. The Special Operations Division is engaged in conducting special operations for the termination of crimes within its competence, protection of participants in criminal proceedings and ensuring the safety of employees of the Bureau. In addition to testing for the law, all candidates take the physical tests.

5. Please provide examples of the implementation of those measures, including related court or other cases and available statistics

In relation to article 6, para 2 and examples of implementation of those measures, States parties and signatories may wish to consider including the following:

■ **Annual reports prepared by the body or bodies that prevent corruption, including budgets and expenditure reports:**

In addition to the National Bureau Activity Report (set out in paragraph 3, which also includes information on the National Bureau's estimates and implementation), financial information (budget, reports on the use of budget funds by selected budget programmes) is available on the official website National Bureau.

■ **Analytical evaluations of the necessary independence and/or the human and material resources of body or bodies that prevent corruption, including number of employees working on prevention activities:**

Within the central management of the National Bureau there is a Department of Internal Control, which aims at taking measures to prevent, detect and investigate offences in the activities of employees of the National Bureau.

The Anti-Corruption Programme of the National Anti-Corruption Bureau of Ukraine was approved by the Order of the Director of the National Anti-Corruption Bureau of Ukraine/

The general departmental policy of the National Bureau for Prevention and Combating Corruption is based on the provisions of the basic strategic document in this area - the Law of Ukraine "On the Principles of State Anti-Corruption Policy in Ukraine (Anti-Corruption Strategy) for 2014-2017", the Law of Ukraine "On Prevention, Corruption standard in the field of combating corruption ISO 37001: 2016 and aimed at reducing the impact of corruption factors on the activities of the National Bureau, creating

effective mechanisms for the prevention of corruption, conflict of interest, violations of ethical standards of conduct and ensuring compliance with the rules on integrity by employees of the National Bureau, formation in the National Bureau of the atmosphere of intolerance to any corruption manifestations, ensuring the inevitability of responsibility for committing corruption and corruption-related offences, ensuring transparency of activities

Monitoring and evaluation reports on the effectiveness and performance of the body or bodies that prevent corruption, including, for example, parliamentary reports.

Concerning the monitoring and evaluation of activities, for example, parliamentary reports: The Committee of the Verkhovna Rada of Ukraine, which is subject to the fight against corruption, holds at least once a year open public hearings on the activities of the National Bureau, fulfilling the tasks assigned to the National Bureau, its compliance with the laws, rights and freedoms of persons.

Also in accordance with Art. 20 of the Law of Ukraine "On Prevention of Corruption" The National Bureau as a specially authorized entity in the field of combating corruption, annually provides to the National Agency for the Prevention of Corruption statistics on the results of activities that are part of the annual national report on the implementation of anti-corruption policy.