

RECOMMENDATIONS
of participants of the round-table discussion

**«Looking for the Optimal Model of the System of Bodies to Prevent and Combat
Corruption in Ukraine»**

22 April 2008, Kyiv

We, participants of the round-table discussion “Looking for the Optimal Model of the System of Bodies to Prevent and Combat Corruption in Ukraine”, that was organised jointly by the Ministry of Justice of Ukraine, Council of Europe/European Commission Project “Support to Good Governance: Project Against Corruption in Ukraine” and Organisation for Economic Co-operation and Development/US State Department INL Bureau Project “Strengthening Capacity for Investigation and Prosecution of Corruption in Ukraine”,

Bearing in mind the serious threat that corruption poses for the development of democracy and economy of Ukraine,

Noting an urgent need of creating an effective institutional mechanism in the area of co-ordination of anti-corruption policy, prevention of corruption and counteraction to corruption through law enforcement means,

Basing on the international standards of specialisation of anti-corruption institutions and best practices of foreign states,

Have approved the following recommendations to state authorities of Ukraine,

In the area of anti-corruption policy co-ordination

- 1) Support the assigning to the Ministry of Justice of the powers to co-ordinate formulation and realisation of anti-corruption policy (in particular by co-ordinating implementation of anti-corruption action plans by executive authorities, preparing and publishing reports on such implementation, preparing proposals on revision of the anti-corruption strategy and action plans), to conduct anti-corruption screening of legislation and draft legal acts, prepare proposals on improving anti-corruption legislation, organise anti-corruption research, carry out educational and information campaigns to prevent corruption, etc., as well as to report to the Parliament, Cabinet of Ministers and the public. The aforementioned measures shall be conducted with active involvement of civil society representatives.
- 2) Hold, at least once a year, meeting of the National Security and Defence Council of Ukraine dedicated to anti-corruption issues with a view to consider current situation and necessary measures to ensure effective actions by state authorities to prevent and combat corruption.

In the area of corruption prevention

- 3) Create on the basis of law an effective system for collection, verification and publication of public servants’ declarations of assets, income and expenses, as well as for detection and resolution of conflicts of interests in the public service.

- 4) Determine by law an authorised institution (official) in the area of ensuring the right of access to public information (functions of considering complaints, inspecting situation with openness of information in public authorities, etc.).

In the area of detection, investigation and prosecution of corruption offences

- 5) Set up on the basis of law a specialised agency to detect and investigate corruption offences with powers of conducting operative and search activity and pre-trial investigation. Jurisdiction of this agency can be limited by subject (corruption offences), by persons (highest state and local self-government officials, deputies of all levels, judges, prosecutors, law enforcers, etc.) and gravity of the offence and its consequences (level of damage).

The law shall define the procedure for appointment of the head and employees of such anti-corruption agency on the basis of an open, transparent competition according to professional qualities and experience, determine guarantees from politically motivated dismissal. According to international standards the law shall define other guarantees of independence of the agency and its employees, mechanisms of its accountability, in particular to the public, ensure provision of proper resources and powers.

- 6) Finalise implementation of the pilot project of the Millennium Challenge Corporation regarding creation within the State Border Guard Service of internal investigation units and based on its results decide on the expediency of introducing such units in other state authorities.
- 7) Introduce specialisation of prosecutors in prosecution of corruption offences.
- 8) Creation of the anti-corruption agency responsible for detection and investigation of corruption offences shall be carried out along with the reform of criminal legislation (adoption of the anti-corruption package of draft laws – “On principles of prevention and counteraction to corruption”, “On amending certain legal acts concerning liability for corruption offences”, “On liability of legal persons for commission of corruption offences” and “On the integrity of persons authorised to perform functions of the State and local self-government”).

Besides, participants of the round-table discussion have proposed that draft legal acts which would be prepared in line with these recommendations be discussed by public and reviewed by experts of international organisations, in particular of the Council of Europe and Organisation for Economic Co-operation and Development.