

INSTITUTE
OF LEGISLATIVE
IDEAS



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ABOUT US

The Institute of Legislative Ideas think tank is the leader in civil society anti-corruption assessment of draft laws in Ukraine. The think tank was founded in 2017, rooting from the Public Examination Council, that was created as a result of open selection and was functioning under the Anti-Corruption Committee of the Verkhovna Rada of Ukraine of the 8th convocation. Since 2015, the Public Examination Council conducted a civic anti-corruption assessment of all, without exceptions, draft laws registered in the Parliament by lawmakers. Therefore, for six years now, the organization's analysts have been fostering and promoting the institution of anti-corruption assessment in Ukraine and abroad.

OUR MISSION

The Institute of Legislative Ideas is an independent think tank working for the adoption of legislation without corrupt, discriminatory norms and its further effective implementation.



OUR VALUES:

Professionalism:

We are aware that our activity affects the way citizens of Ukraine and other countries and authorities perceive civil society, and we bear responsibility for their trust.

Impartiality:

We respect human rights and recognize the moral values, religions, and culture of communities. Within the organization, conflict-of-interest-excluding conditions are created.

Independence:

The organization is free and politically independent, operating exclusively within the law.

Efficiency:

We are focused on the result, not the process.

Responsibility:

The organization is honest and truthful in cooperation with partners, society, the state, and donors.

Openness:

We regularly cover our activities on our website and social media, annually publish reports on our management structure, activities, and financial statement.



INTRODUCTORY WORD BY THE CHAIR

In these turbulent times, we pursue our colossal endeavors for legislation to be decent and to benefit society, not certain individuals. For this reason, all our projects are clearly aimed at eliminating corruption holes in the legislation and involving the public in its adoption.

This year, we managed to consolidate our position of the leader in anti-corruption assessment in Ukraine. For us, 2021 means 1820 analyzed legislative initiatives at different levels. From now on, ILI is not only an anti-corruption assessment of draft laws but also of draft resolutions of the Cabinet of Ministers of Ukraine, decisions of local self-government authorities, and already acting legislation. We have proved that anti-corruption assessment is not about theory, it is about reality; more than 90% of corruption risks, found in acting legislation, are actualized. That is why the assessment of corruption risks should become a mandatory part of the formation and evaluation of public policies, and anti-corruption assessment should become a part of the norm-making process at all levels. For this, we have developed unique methodologies for conducting such an analysis, they combine the best Ukrainian and global practices. And in 2021, we have trained more than 400 people on how to apply its basics.

We are convinced that no country will be successful if the rules under which society is offered to live are adopted without its participation. More than 600 responses given by the Parliament stakeholders confirmed that it is possible to involve people in the legislative process. It creates confidence in the decisions made, increases their quality and chances for effective implementation. We emphasized this both during the joint events held with the leadership of the Ukrainian Parliament and during the speech at the Conference of the States Parties to the UN Convention against Corruption as part of the official delegation of Ukraine.

Let us remember that transparent and fair legislation contributes not only to the well-being and peace of the Ukrainians but also to the state's ability to resist any external threat.

P.S. All the above could have been hardly achieved without a team of like-minded people and partners, who have been and remain on this path with us.

Sincerely
Tetiana Khutor



INTRODUCTORY WORD BY EXECUTIVE DIRECTOR

On November 15, 2017, five lawyers, after having been selected on a competitive basis and their further 3-years' assistance to the Parliament in detection corruption holes in the laws, officially registered the Institute of Legislative Ideas civil society organization, thus in such a way our independent think tank was born.

Even then, 4 years ago, we, the founders, believed and clearly understood that one of the key secrets of a successful fight against corruption in Ukraine is the day-to-day work of the state apparatus, deputies at all levels, law enforcement agencies, academia, and the independent public in line of the establishment of an institute of preventive mechanisms for such fight, and creation of the conditions under which the possibility of committing corruption offenses is prevented or minimized. One of such mechanisms of preventive work is the institute of anti-corruption assessment of legislative acts at the stage of their drafting, that is the stage when counteraction against embedding corruption risks into legislation is the easiest.

Year by year, we have been making plans to consolidate a truly effective institution of anti-corruption assessment. We have been creating our strategies for 5 and 10 years. We dreamed that this instrument would be circulated and not only the parliamentarians but also deputies and officials at the local level throughout the country would start applying it sooner or later. We strongly believed that robust territorial communities equipped with quality local legislation without corruption and discriminatory norms are the foundation for legal and anti-corruption reforms in the regions.

Today, I am proud to say that the year 2021, just after 3 years of an active day-to-day work of the organization, resulted in the achievements that, back in 2017, we thought would take 5-10 years for us to gain.

In 2021, we were the first among civil society organizations in Ukraine, who commenced, in cooperation with the NACP, the anti-corruption assessment of the governmental by-laws, and handed out our conclusions about the presence of corruption risks in more than 50 governmental resolutions and draft laws.

In 2021, we spread practices of anti-corruption assessment in the Parliament among certain regions of Ukraine. For the first time, the mayors of Zhytomyr, Kyiv, Khmelnytskyi, Lviv, Ternopil, Mykolaiv, and Ivano-Frankivsk at the official level, in their cities, signed official agreements on commencement of anti-corruption assessment of draft decisions of their city councils. 356 analyzed draft decisions of city councils, with 81% our recommendations on how to eliminate corruption holes from local decisions, were taken into account and the mayors made necessary amendments.

In 2021, the ILI became the first organization that participated in the Conference of State Parties to the UN Convention against corruption within the official delegation of Ukraine and from the world rostrum voiced the importance of the institution of anti-corruption assessment of legislation.

In 2021, for the first time the national, Ukrainian, mass media spoke loudly about us. For the first time in Ukraine, we presented the ratings of the authors of draft laws by the quantity of corruption initiatives. The aim of the project was not to shame MPs for their certain draft laws but to illustrate the systematic embedding of corruption risks in the legislation in certain spheres, as well as those who stand behind it, and to increase public awareness about parliamentarians' activity.

We are grateful to all our international partners, partners from the Parliament, the NACP, city councils, and the public for being with us in 2021. In 2022, we will do even more together.

Sincerely
Martyna Boguslavets



IN 2021, WE

1

analyzed **1390** draft laws, with **21,15 %** (294) of which being concluded to be corruption-causing;

2

developed complex **Methodology** for anti-corruption assessment of draft laws, that is based on the best Ukrainian and global practices;

3

showed the society the **Rating** of the draft-law-authors who produce the greatest number of draft laws with corruption-causing factors;

4

identified corruption-causing factors in **50** by-laws;

5

first ever in Ukraine, we started conducting systemic anti-corruption assessment in regions, covering **7 cities**, we concluded Memoranda with them, we analyzed 356 draft decisions of local self-government authorities, with 137 (38,48%) of which found to pose risks of corruption;

6

developed the **Methodology** for anti-corruption assessment of normative and legal acts of local self-government authorities;

7

started to detect corruption schemes in acting legislation, that proved that **90%** detected corruption risks are realized in practice;

8

trained more than **400 people** to conduct an anti-corruption assessment, developed and launched our own pilot course aimed at forming complex skills in the application of the technique for detecting corruption risks;

9

for the first time over 10 years, we prepared the complex monitoring **report of civil society** on the implementation of the UN Convention against Corruption by Ukraine;

10

became the first civil society organization, that took part in the Conference of the States Parties to the UN Convention against Corruption **within the official delegation of Ukraine**. From the main panel of the Conference, the chair of the ILI popularized anti-corruption assessment and afresh forms of effective interaction between the society and state authorities.

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under 27 law-drafting, controlling, and organizational functions indicators, we carried out a complex analysis of the performance of the Verkhovna Rada of Ukraine and its interaction with its stakeholders, we received about **600 responses** as a result of our survey of the stakeholders.

12

among other 350 organizations from 100 countries, we became the member-organization of the global coalition of anti-corruption civil society organizations, **UNCAC Coalition**. The chair of the Organization was selected and nominated for the top-20 global WIN-WIN Gothenburg Sustainability Award, which, this year, was devoted to anti-corruption.

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conducted **7 analytical researches**, increased the media coverage 5 times. Our analysts not only provide expert views for the media but also, as the experts in the analytics sector of UA:Persnyi (Public broadcasting), take part in the assessment of the quality of the content of some media providers.

ANTI-CORRUPTION ASSESSMENT

Our goal is to identify and explain to the parliamentarians how a provision of a draft law can conduce to corruption. In this way, we aspire to clean up Ukrainian legislation from provisions that allow officials to abuse their powers within the law and not to bear any responsibility.

What the anti-corruption assessment is?

Anti-corruption assessment, or corruption proofing, is defined as the analysis of normative and legal acts, and their drafts, for the presence of corruption-causing factors in them, i.e., provisions that conduce to committing corruption offenses, and corruption-related offenses. Therefore, an anti-corruption assessment is aimed at finding provisions in the legislation that may conduce to corruption.

Why are we doing this?

The roots for corruption are build-in in the legislation, thus poor-quality legislation creates all the conditions for corruption's spreading and flourishing. Anti-corruption assessment is the preventive tool that helps prevent adopting legislation that contains corruption risks.

Institute of Legislative Ideas analyzes draft laws, acting legislation, by-laws, and decisions of local self-government authorities.

How are we doing this?

Carrying out the analysis

Analysts at the Institute of Legislative Ideas carefully study each draft law for the presence or absence of corruption-causing factors in it. Each our analyst has his or her profile-line expertise, which allows us to professionally cover all legislation areas. The analysis of each act is accompanied by communication and taking into account the positions of stakeholders, both governmental and non-government (civil society organizations, trade unions, business associations, independent experts). After analyzing and taking into account external views, we form a conclusion, which (if any) outlines the corruption-causing factor we detected, possible consequences, and how to eliminate it.

Advocacy of the results

The finalized conclusions are circulated to the Verkhovna Rada Committee on Anti-Corruption Policy and the NAPC. These authorities are entitled to conduct an anti-corruption assessment in accordance with the law, and it is their conclusions that directly affect the future of draft laws in the Parliament. Cooperation with the Committee and the NAPC makes it possible to communicate the results of our work directly to decision-makers.

After that, we disseminate the conclusions among the relevant committees of the Parliament, the authors of draft laws, and political fractions. As practice shows, these entities often make amendments to draft laws and eliminate the corruption-causing factors that we identified.

Communication with the Media

To draw public attention to particularly risky drafts, we publicly present the results of our work in the media, including expert comments, articles, columns, and blogs run by our analysts.

METHODOLOGY FOR ANTI-CORRUPTION ASSESSMENT

We are convinced that conducting a qualitative anti-corruption assessment is impossible without applying a comprehensive methodology. The ILI's methodology for anti-corruption assessment transforms the assessment from a discretionary process into an impartial analysis done by coherent criteria together with due reasoning.

This year, we developed two methodologies that in detail determine peculiarities of the analysis of different legislative acts.

METHODOLOGY FOR CONDUCTING ANTI-CORRUPTION ASSESSMENT OF DRAFT LAWS

This Methodology is unique for several reasons:

- It defines the wide range of corruption-causing factors, particularly **18**.
- It provides **87 indicators**, “**red flags**”, for identifying the corruption-causing factors..
- It comprises **real-life cases** illustrating each corruption-causing factor.
- It is based on the analysis of 10 000 conclusions made by ILI, the Parliament, and the NACP, as well as on analytical and scientific research and best approaches applied by other countries.
- It is a universal guide for conducting an anti-corruption assessment because it can be adapted to your needs, starting from draft law and by-law analysis to legislation of another country. This version may become a desk-top book for everyone who deals with the development and analysis of legislation.

METHODOLOGY FOR ANTI-CORRUPTION ASSESSMENT OF DRAFT NORMATIVE AND LEGAL ACTS OF LOCAL SELF-GOVERNMENT AUTHORITIES

The Methodology for anti-corruption assessment is the first methodology in Ukraine that will assist deputies of local councils, executive bodies, and authorized persons for corruption prevention and detection in local self-government authorities, civil society organizations, local activists, and all who oversight performance of his or her local authorities, to conduct impartial, legally grounded and complex analysis of draft acts of local self-government authorities through anti-corruption assessment.

ILI's Methodology means the analysis of each draft document by:

- **21 corruption-causing factors**;
- more than **106 indicators**, “**red flags**” of corruption risk;
- the ILI's basis and experience formed from 10000 conclusions made by the ILI, Parliament, and NACP as a result of an anti-corruption assessment of normative and legal acts, analytical research, and best approaches applied by other countries.

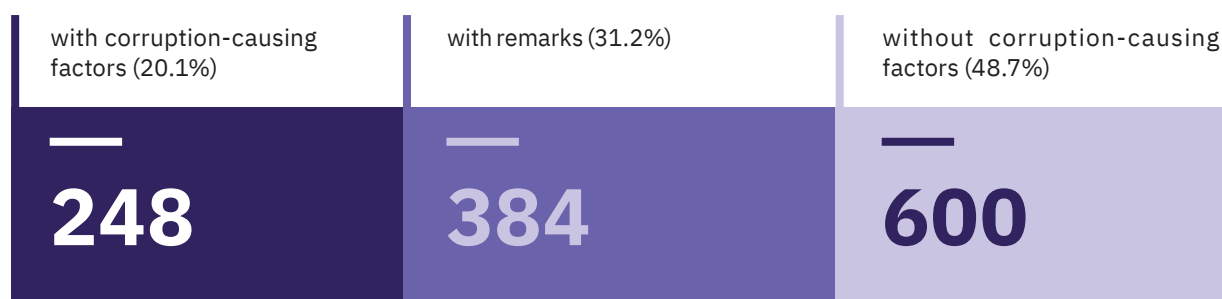
The Methodology is legalized by 6 city partners on conclusion of memoranda on cooperation and can be applied for analysis of normative and legal acts of local self-government authorities at any level, starting from rayon councils in a city to oblast councils, from territory communities of cities with a population of millions to the smallest villages and towns.



ANTI-CORRUPTION ASSESSMENT OF DRAFT LAWS

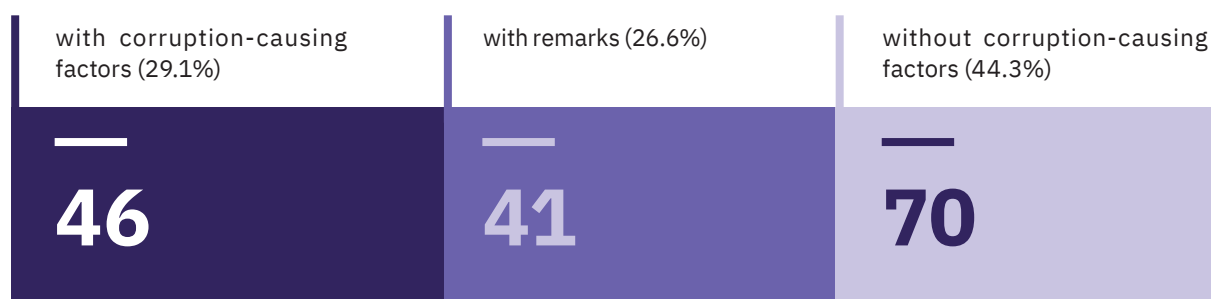
In 2021, the ILI's analysts analyzed and provided conclusions/comments on 1390 draft laws.

Before the 1st reading, we analyzed and provided conclusions on up to 1232 draft laws:



In addition to the draft laws prepared for the 1st reading, we commenced the analysis of draft laws before their adoption in the 2nd reading. It allowed us to check not only whether the corruption-causing factors we had identified were eliminated, but also to monitor the risks in the amendments and proposals submitted by parliamentarians during the finalization of drafts in the committees.

For the 2nd reading, we analyzed and provided conclusions on 158 draft laws:



The level of taking into account our conclusions accounts for **86 %**

For example

Draft Law No. 5716 “On housing for military staff and members of their families ...”.

What did we identify?

The authors of these amendments were members and leadership of the relevant parliamentary committee. The draft law proposed to establish a special fund for the purchase of housing for military staff members and a 5-member commission, which would conduct an auction to determine a definite investor who would build the housing and allocate some apartments for military staff members. At the same time, as we found out, the draft law was intended to legalize the well-known “apartment construction scheme by Mykytas”, because the draft conferred investors and builders the right to transfer apartments located in other housing estates to the customer, regardless of their location and technical condition. Say goodbye to expensive land in the city center, and say hello to unfinished construction buildings on the outskirts.

Moreover, behind the scenes of auctions, the draft law concealed the hand-operated selection of contractors. First, the meager registration fee of UAH 1700 would allow anyone to participate in auctions. It would open up boundless room for manipulation, artificially stuffing the price and then refusing to sign a contract. Such a participant would risk nothing but UAH 1700. Instead, the winner’s refusal would give the commission the discretion to decide whether or not to enter into a contract with other auction participants. Secondly, if it proved that the competition had been held with serious violations, the auction would not be canceled. The complainant would just be reimbursed the doubled registration fee of UAH 3400. And thirdly, the commission might refuse to enter into a contract with the winner of the auction at any time.

Result:

These remarks were emphasized in our conclusion and sent to the corresponding parliamentary committee, the Verkhovna Rada Committee on Anti-Corruption Policy, and the NACP. The Anti-Corruption Committee and the NACP prepared negative conclusions on the draft law. To attract public attention, we published materials for television and the Internet media.

Eventually, the authors set up a working group to finalize the draft.

**The TV Channel 24 collage
screensaver for the weekly TV
blog, run by Tatiana Khutor,
about the results of anti-cor-
ruption assessment of draft
laws*

КОРУПЦІЙНІ СХЕМИ З ЖИТЛОМ ДЛЯ ВІЙСЬКОВИХ

ДОРОГІ ЗАКОНИ
З ТЕТЯНОЮ ХУТОР



ANTI-CORRUPTION ASSESSMENT OF BY-LAWS

In addition to the anti-corruption examination of draft laws, we commenced an anti-corruption assessment of by-laws developed by central executive authorities, including ministries. We conducted an anti-corruption assessment of 50 by-laws and, under conditions of cooperation, circulated all those conclusions to the National Agency on Corruption Prevention.

In 2021, 100% of conclusions, circulated to the NACP by ILI, were taken into account.

For example:

Draft Resolution “On Some Issues on Preparation and Holding Events to Celebrate the 30th Anniversary of Ukraine’s Independence”

What did we identify?

The resolution envisaged making amendments to the list of entities that could conduct, under non-competitive procedures, procurement needed for the celebration of the 30th anniversary of Ukraine’s independence. In particular, it proposed to allow the procurement of goods, works, and services related to the “organization of high-speed passenger railway traffic in Ukraine and the improvement of passenger rail service in non-electrified areas” under the negotiated procedure. The problem was that those provisions foresaw room for overly broad interpretations, and such procurements could cover almost everything related to the organization of railway traffic. Moreover, it proposed not to limit the implementation of those measures to the Independence Day of Ukraine, but to extend it until the end of 2021.

Such amendments included opportunities for misuse and misappropriation of funds.

Results:

Those remarks were emphasized in our conclusion on the draft resolution and sent to the NACP. NACP took into account our comments in its conclusion on the presence of corruption risks in that draft resolution..

The resolution was not adopted at the sitting of the Cabinet of Ministers of Ukraine.



ANT-CORRUPTION ASSESSMENT OF THE DRAFT DECISIONS OF LOCAL SELF-GOVERNMENT AUTHORITIES

Our goal is to provide local self-government authorities, their legal departments, units of corruption prevention and detection with qualified conclusions of the anti-corruption assessment of draft decisions. It will help make local “legislation” cleaner from corruption risks.

The ILI was the first in Ukraine to systematically analyze the acts of local self-government authorities within the framework of dissemination of practices of good governance.

For this purpose, we have developed the Methodology for anti-corruption assessment of draft normative and legal acts of local self-government authorities and signed many memoranda on cooperation with cities.

At the International Mayors Summit, Martyna Boguslavets, Executive Director of the ILI, presented the project devoted to the anti-corruption assessment of the decisions of local self-government authorities in her speech.

**Martyna Boguslavets together with other analysts, Olena Kupina and Maksym Dyomin, examining draft decisions of local self-government authorities*



**Martyna Boguslavets during her presentation of the project at the International Mayors Summit*



Zhytomyr

In September 2021, the memorandum on cooperation in the anti-corruption assessment of draft decisions of the Zhytomyr City Council was concluded between Mayor Serhiy Sukhomlyn and ILI.

123 draft decisions were analyzed, 78% were taken into account.

**he ILI's Executive Director, Martyna Bohuslavets, and the Mayor of Zhytomyr, Serhiy Sukhomlyn, signed the memorandum on cooperation.*

**The ILI's Chair, Tetiana Khutor, Executive Director, Martyna Bohuslavets, and the Mayor of Kyiv, Vitalii Klychko, signed the memorandum on cooperation.*

Kyiv

A memorandum on cooperation between the Mayor of Kyiv, Vitaliy Klychko, and the ILI on conducting an anti-corruption assessment of draft decisions of the Kyiv City Council was signed on December 19, 2019. The actual cooperation started in 2021.

20 draft decisions were analyzed, 38% of our amendments to the Regulations were taken into account; 100% of the amendments were taken into account after their being made to the Regulations.





**Concluding the memorandum on cooperation in Khmelnytskyi: the ILI's Executive Director, Martyna Bohuslavets, and the Mayor, Serhii Sumchyshyn*

Khmelnytskyi

In November 2021, a memorandum on cooperation between the Khmelnytsky City Council and the ILI was signed.

26 draft decisions were analyzed, 100% were taken into account.

Lviv

In September 2021, the ILI concluded the Memorandum on cooperation in the anti-corruption assessment of draft decisions with the Integrity and Corruption Prevention Sector, Mayor's Administration Department, Lviv City Council.

70 draft decisions were analyzed, 77% were taken into account.



**Discussion during the meeting on cooperation with the Mayor of Lviv, Andrii Sadovyi.*



**Concluding the memorandum on cooperation with the ILI and the Integrity and Corruption Prevention Sector, Lviv City Council*

Ternopil

In August 2021, the ILI and the Mayor of Ternopil, Serhii Nadal, concluded the memorandum on cooperation.

68 draft decisions were analyzed, 87% were taken into account.



**Memorandum on cooperation between the ILI's and Ternopil signed by Martyna Bohuslavets and the Mayor, Serhii Nadal.*



Mykolaiv

In September 2021, the ILI and Mayor Oleksandr Senkevych signed a Memorandum on cooperation in the anti-corruption assessment of draft decisions of the Mykolayiv City Council.

47 draft decisions were analyzed, 89% were taken into account.

**At the International Mayors Summit, the ILI concluded the Memorandum on cooperation with the Mayor of Mykolayiv, Oleksandr Senkevych.*



**The ILI's Executive Director, Martyna Bohuslavets, and the Mayor of Ivano-Frankivsk, Ruslan Martsinkiv, concluded the memorandum*

Ivano-Frankivsk

Ivano-Frankivsk became the 7th city that joined the anti-corruption assessment of draft decisions of city councils. In December 2021, the ILI and the Mayor, Ruslan Martsinkiv, concluded the memorandum on cooperation.

Communication on joining the project by Uzhhorod and Dnipro city councils has also started. The requests to conduct an assessment of the draft decisions were also rendered by the chairpersons of the Slavutych City Council of the Kyiv Region, the Novgorod-Volyn City Council of the Zhytomyr Region, and the Chortkiv City Council of the Ternopil Region.

For example:

Draft decision of the Zhytomyr City Council «On amendments and additions made to the decision of the Executive Committee of the City Council dated on December 22, 2016, No. 1162 «On the organization of parking for vehicles in the city of Zhytomyr»

What did we identify?

The draft decision dealt with the conditions for the competition to determine the operators of parking for vehicles.

However, in fact, the conditions were spelled out in such a way that businesses that had no connections in the City Council would not participate in the competition.

The competition committee could hold their sittings behind closed doors, without civil society and media involvement, and the criteria for evaluation of participants and determination of winners were unclear.

That meant that it would allow holding a nominal competition without competition and under conflict-of-interest conditions.

Result:

The Zhytomyr City Council took into account the conclusion made by the ILI and finalized the draft decision. In 2022, the competition will be held under transparent conditions. More businesses will be able to take part in the competition, and the city will receive the best bids from businesses.

ANTI-CORRUPTION ASSESSMENT OF ACTING LEGISLATION

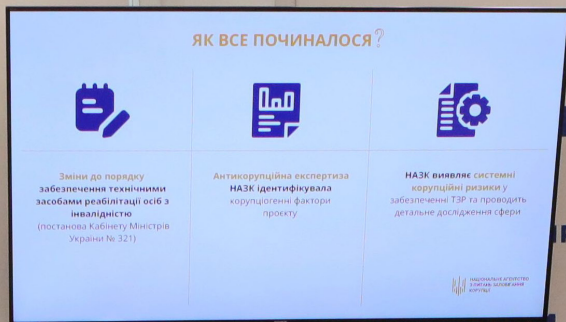
Assessing the corruption risks of acting legislation is the next step towards legislation that works for society. In addition to stopping harmful initiatives at the stage when they are going to become laws, we began to detect acting legislation whose corruption risks have already started to create problems in practice.

The first direction of such an analysis has become the analysis of legislation in the social sphere, in particular the supplying technical means of rehabilitation (TMR) for persons with disabilities. It is the most expensive part of the state budget expenditures on people with disabilities and includes prostheses, wheelchairs and walkers, medical beds, and others. Each year, about UAH 1.5 billion taxpayers' money is allocated for those purposes.

During June-September 2021, the ILI in cooperation with NACP studied the most widely-spread corruption schemes to supply technical means of rehabilitation for persons with disabilities.

The ILI conducted an anti-corruption assessment of all acts regulating the access of enterprises to that billion-dollar market. The second step was the use of sociological methods, in particular, we surveyed 26 enterprises (that accounts for 25% of all industry representatives), conducted more than 20 in-depth interviews of representatives of both private and state-owned enterprises, current and former representatives of various public authorities, conducted a focus group involving 25 representatives of public organizations.

In October, the presentation and discussion were held with 125 people participating (offline and online), including the leadership of the Ministry of Social Policy, the NACP, the Verkhovna Rada Committee on Social Policy, the Fund for Social Protection of Persons with Disabilities, the State Medical Service, and the President's Office.



**Presentation of the research "1.5 billion and prostheses: corruption schemes to provide the disables with rehabilitation facilities"*



**Tatiana Khutor while her presentation of the research «1.5 billion and prostheses: corruption schemes to provide the disables with rehabilitation facilities»*

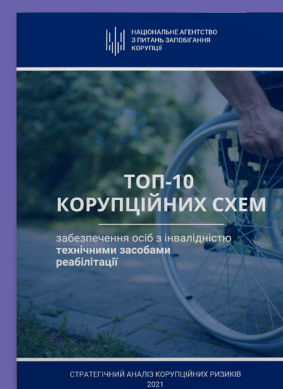


As a result of the study, 3 analytical products were presented:

I «Access of enterprises to the 1.5 billion markets of providing persons with disabilities with technical means of rehabilitation: corruption risks and the practice of their realization»



II «Top 10 corruption schemes to provide persons with disabilities with technical means of rehabilitation»



III «1.5 billion and prostheses: assessment of alternatives» policy brief»



The results of the study were covered by such media as “Economichna Pravda” (Economic Truth), “Dzerkalo Tyzhdnia” (Mirror of the Week), “Suspilne” (Public), “Glavkom” (Main Commenter), “Ukrainske Radio” (Ukrainian Radio) and “Hromadske Radio” (Public Radio).

The results of the study formed the basis of legislative changes in the system. The parliamentarians took into account our remarks and the Verkhovna Rada adopted the draft law No. 4542 “On Making Amendments to the Law of Ukraine “On Rehabilitation of Persons with Disabilities in Ukraine”.

The study confirmed that 90% of corruption risks, found in the legislation, are realized in practice.

ANTI-CORRUPTION ASSESSMENT OF DRAFT LAWS OF THE VERKHOVNA RADA OF UKRAINE OF THE 9TH CONVOCATION

This analytical paper is an annual format for tracking the dynamics of the development of the institute of anti-corruption assessment in Ukraine. It aims at:

- providing an objective assessment of the state of functioning and effectiveness of the implementation of anti-corruption assessment of draft laws through the prism of the Anti-Corruption Committee and the NAPC, for the period starting from September 1, 2019, to December 31, 2020;
- comparison of the assessment results gained by the aforementioned subjects;
- identification of key challenges that hinder the effective conduct, by each of those authorities, of anti-corruption assessment of draft laws, and provide recommendations for overcoming the challenges.

The analytical paper consists of 6 sections. The first section reflects the analysis of draft laws registered in the Parliament over the past year, which were to be the subject of anti-corruption assessment. The second section examines the performance of the Anti-Corruption Committee in terms of anti-corruption assessment of draft laws, provides performance evaluation. The third section contains an analysis of the effectiveness of the anti-corruption assessment of draft laws conducted by the NAPC. The fourth section compares the results of the implementation and effectiveness of the anti-corruption assessment done by the Anti-Corruption Committee and the NAPC. The fifth section comprises a brief analysis of the anti-corruption assessment conducted by other subjects, including the Ministry of Justice and the public represented by the ILI. The last section summarizes and provides recommendations for improving the effectiveness of the anti-corruption assessment of draft laws.

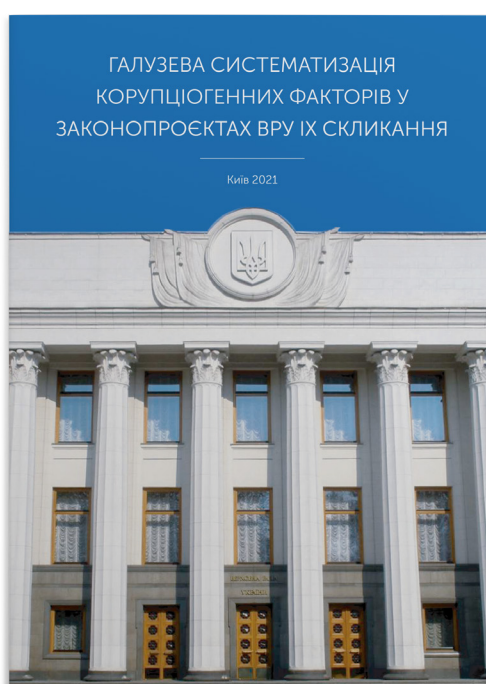


SECTORAL SYSTEMATIZATION OF CORRUPTION-CAUSING FACTORS IN THE DRAFT LAWS OF THE VERKHOVNA RADA OF THE 9TH CONVO-CATION

The study presents the results of independent public monitoring of corruption-causing factors in the draft laws submitted to the Verkhovna Rada of Ukraine from the beginning of the 9th convocation (since September 2019) to December 2020. The authors analyzed the decisions of the Anti-Corruption Committee of the Parliament, the National Agency on Corruption Prevention, as well as an independent public anti-corruption assessment on the presence of corruption-causing factors in draft laws registered in the Parliament.

The rating of the Committees of the Verkhovna Rada of Ukraine of the 9th convocation was formed, which received the greatest number of draft laws that do not meet the requirements of anti-corruption legislation. The peculiarity of the study is the examples of enshrining corruption-causing factors in the draft laws of each committee of the Verkhovna Rada of Ukraine.

The obtained information allows us to understand the most typical corruption risks in draft laws in order to prevent them in the future.



RATING OF AUTHORS OF DRAFT LAWS CONTAINING CORRUPTION-CAUSING FACTORS

Assessment of more than 2000 draft laws showed that the greatest number of draft laws with corruption risks are submitted by the same parliamentarians and their fractions.

For that reason, the ILI launched the Rating of authors of draft laws with corruption risks, which clearly shows not only the names of parliamentarians and fractions but also corruption-causing factors in draft laws submitted by the President and the Cabinet of Ministers of Ukraine.

Thus, we draw the attention of voters who need to know how the deputies they voted for during elections exercise their law-making function. In turn, parliamentarians should pay attention to which draft laws they sign and which they vote for.

In 2021, the ILI presented the Rating of authors of draft laws with corruption-causing factors two times, specifically, for the 2-year-performing period of the Verkhovna Rada and the 5th session of the Verkhovna Rada of the 9th convocation.

In addition to the general rating, which included all parliamentarians, we have prepared:

TOP-10 authors who submitted the greatest numbers of draft laws consisting of corruption-causing factors (by quantity and in percentage);

rating of the fractions whose representatives submitted the greatest numbers of draft laws with corruption-causing factors;

examples of draft laws with corruption-causing factors and the spheres where there are the greatest number of them;

parliamentarians who did NOT submit any draft law with corruption-causing factors.

RATING

Top-10 parliamentarians who are authors of corruption-infected draft laws

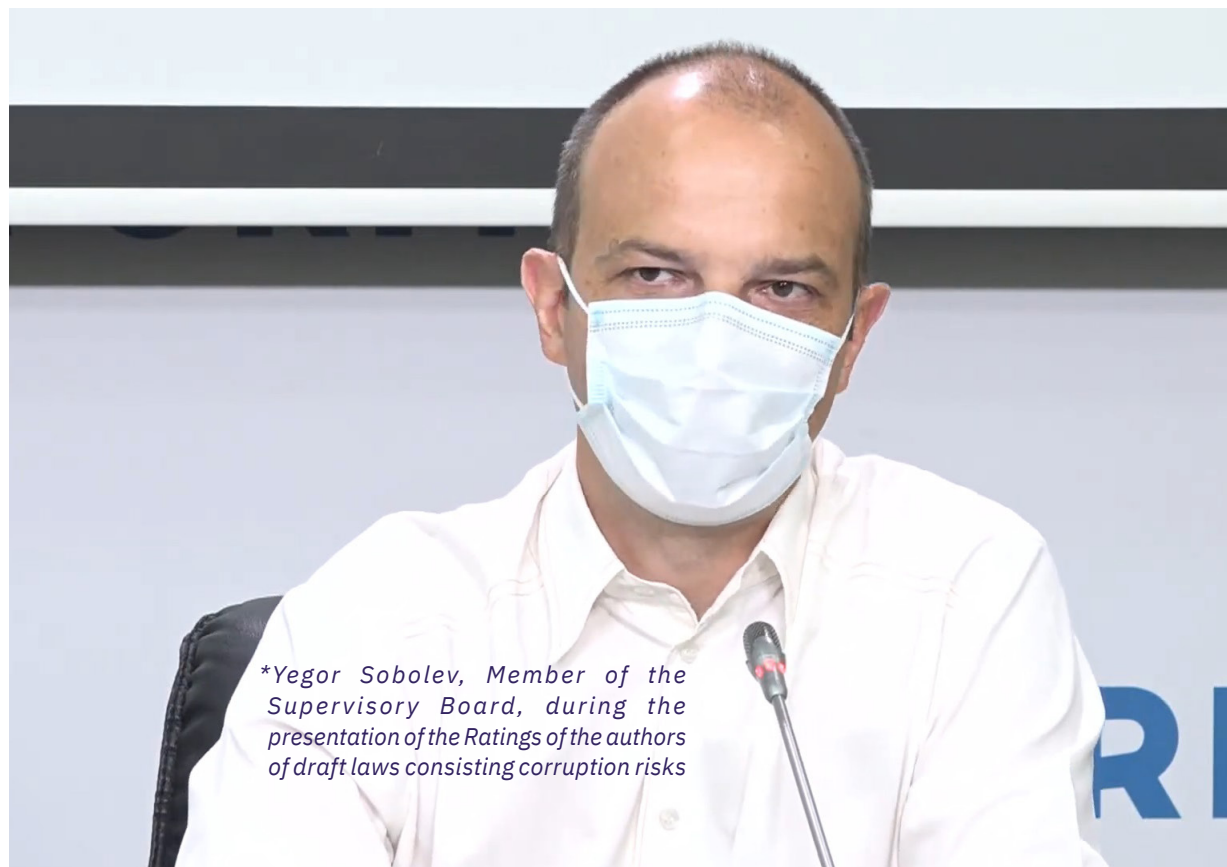
3e! партія Слуга Народу		Danylo Hetmantsev	30	draft laws — 144
3e! партія Слуга Народу		Andrii Motovylovets	25	draft laws — 85
3e! партія Слуга Народу		Dmytro Natalukha	23	draft laws — 86
3e! партія Слуга Народу		Oleksandr Bakumov	21	draft laws — 99
3e! партія Слуга Народу		Andrii Klochko	20	draft laws — 93
3e! партія Слуга Народу		Oleksii Zhmerynetskyi	19	draft laws — 74
3e! партія Слуга Народу		Oleksandr Korniienko	19	draft laws — 78
3e! партія Слуга Народу		Viacheslav Medianyk	19	draft laws — 83
3e! партія Слуга Народу		Oleksandr Kovalchuk	18	draft laws — 54
3e! партія Слуга Народу		Davyd Arakhamiia	17	draft laws — 60

It was in the “Ratings” project that was accompanied by an active media presentation of the ratings of parliamentarians who registered the greatest number of corrupt draft laws and did it most often. As a result, the media raised discussions about the ratings of parliamentarians, as well as the Institute of Legislative Ideas in more than **100** broadcasts, news episodes, analytical materials, and announcements.



** Martyna Boguslavets during the press conference about the results of the Rating of the authors of draft laws consisting corruption risks*





WE TRAIN

During this year, we conducted many pieces of training on anti-corruption assessment accepting invitations of lawyers and political scientists of the National University “Kyiv-Mohyla Academy”, Yaroslav Mudryi National Law University, civil servants, and civil society activists. This year, more than 400 people have attended our lectures on anti-corruption assessment. Hence, we set up and launched two pilot tools to share our knowledge.

КУРС: АНТИКОРУПЦІЙНА ЕКСПЕРТИЗА
ТРЕНЕРКА: ТЕТЯНА ХУТОР



СТАРТ: 26 ЛИСТОПАДА



**Tetyana Khutor and Andriy Klymosyuk, the trainers of the course*

Anti-corruption assessment training course

It is not enough for the public to have the right to influence, the public needs to have the tools to make that influence effective. We believe that anti-corruption assessment is such a tool.

For that reason, together with our partners, ACREC, we launched a training course designed to train to conduct an anti-corruption assessment of legislation at various levels and to apply practical mechanisms for taking it into account.

To do this, we have developed a tailor-made training program based on our hands-on experience in conducting anti-corruption assessments over the past 6 years. The trainers of the training course, namely Tetyana Khutor and Andriy Klymosyuk, are the authors of the newly created Methodology for conduction of anti-corruption assessment of draft laws, based on the best Ukrainian and world practices, and every month they review the conclusions of hundreds of draft laws.

We shared with the course participants our knowledge on how to identify and eliminate corruption-causing factors, as well as advocate for changes. This course became a pilot to create a platform for online and offline pieces of training in anti-corruption assessment in the future.

«Anti-corruption assessment of draft decisions of local self-government authorities» Webinars

It is important for the practice of conducting an anti-corruption assessment of normative and legal acts of local councils, which is being implemented by the ILI in 7 cities, to be disseminated over all regions of Ukraine. It requires educating the public and explaining the need for this step to the authorities.

Teachers of webinars, Martyna Boguslavets, Maksym Dyomin, and Olena Kupina, taught the webinar participants how to identify and eliminate corruption-causing factors, as well as how to write quality draft regulations in local self-government authorities.

For that purpose, the ILI started training on conducting an anti-corruption assessment in the regions for the public and officials. In cooperation with the State Institution of the Higher Education “University of Educational Management” of the National Academy of Educational Sciences of Ukraine, the ILI held webinars for representatives of civil society organizations, local self-government authorities, experts, students studying law.

Participants were presented with their own methodology for anti-corruption assessment, we drew their attention to corruption-causing factors that occur in draft decisions most frequently, told about how to involve cities, conduct assessment and how to advocate it, and gave examples of norms from draft decisions of local councils, that without timely conducting anti-corruption assessment could become a corruption risk in the future.

**Martyna Boguslavets, Maksym Dyomin, and Olena Kupina, the webinar trainers*



CIVIL SOCIETY MONITORING OF UKRAINE'S COMPLIANCE WITH THE UN CONVENTION AGAINST CORRUPTION

About the Convention

- UN Convention against Corruption (UNCAC) is the only universal legally-binding document for the fight against corruption in the world. UNCAC obliges its States Parties to implement effective anti-corruption mechanisms.
Already 189 states are the parties to the Convention. Ukraine ratified the UN Convention against Corruption (UNCAC) in 2006, but in fact, started to fulfill the taken obligations in 2014.
- Monitoring of implementation of the Convention means peer review. It prescribes that each State Party is reviewed by two other States Parties. The review process consists of two review cycles lasting five years each. The first cycle covers chapters III and IV of the Convention, and the second cycle – chapters II and V. In 2019, the second cycle on Ukraine was launched, and it is still ongoing.

Civil society monitoring

- To ensure the impartiality of the review, a global coalition of civil society organizations (the UNCAC Coalition) launched civil society parallel reporting.

In 2021, the ILI became a member of the UNCAC Coalition that unites more than 350 civil society organizations from more than 100 countries

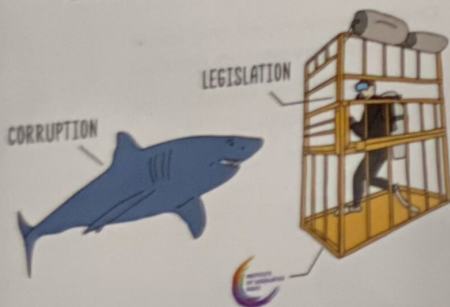
- Our think tank has become the 3rd organization which, together with Transparency International Ukraine and Anti-Corruption Action Centre, presents Ukraine in the Coalition.
- The first step of the ILI to promote the effective implementation of the Convention in Ukraine was the preparation of a parallel civil society report on the Situation with implementation by Ukraine of the largest chapter of the Convention, namely, the preventive measures. It is the second report made by the civil society of Ukraine for the whole time of the Convention's existence. And it is the first report revealing the situation with the implementation of chapter II of the Convention.

The Institute of Legislative Ideas began monitoring in June 2021. From now on, we:

- conducted about **60 in-depth interviews** of representatives of the public, experts, and civil servants;
- conducted **3 complex surveys** of activists, journalists, and experts from 21 oblasts of Ukraine;
- analyzed about **100 analytical (and not only) research papers**, and so on.

ILI

Institute of Legislative Ideas (ILI) is an independent civil society organization that is the leader in conducting the anti-corruption examination in Ukraine. We have been eliminating corruption risks in legislation for 6 years, and improving the quality of public decisions in favor of society.



UKRAINE

CAC/CORRP/2021/L.1/ADD.2
States Parties
to the
Convention
on Corruption

1. At its 12th meeting, on 17 December 2021, the Conference considered agenda item 8, entitled "Other matters".

2. The President of the Conference noted that, under agenda item 8 (a), the Conference might wish to continue its deliberations on the full implementation of paragraph 4 (c) of article 63 of the Convention, in which it is stated that the Conference shall agree upon activities, procedures and methods of work to achieve the objectives set forth in paragraph 1 of that article, including by consultation with relevant stakeholders.

CAC/CORRP/2021/L.1/ADD.2
W. E. meeting
November 2021
English



9th COSP

The Conference was held at the end of 2021, it brought together representatives of more than a hundred countries to make conclusions on what was done, to share best practices, and to develop new rules.



**Tetyana Khutor at the the ninth session of the Conference of the States Parties to the United Nations Convention against Corruption, Sharm El-Sheikh, 13-17 December 2021*

The ILI has become the first civil society organization that attended the Conference of the States Parties to the UN Convention against Corruption as part of an official delegation of Ukraine.

Owing to that, we managed, from the world rostrum, to voice the values we believe in, to promote among representatives of other countries the institution of anti-corruption assessment of legislation and new forms of effective interaction between the civil society and state agencies.

The full wording of the speech given by the Chair of the ILI, Tetiana Khutor:

Tetiana Khutor, member of the delegation of Ukraine, Head of the Institute on legislative Ideas, member of the Civil Council of National Agency on Corruption Prevention

Ladies and Gentlemen,

I am very pleased to be here today, to represent my country and the voice of the civil society at the Conference.

It has been seven years since the start of the anti-corruption reform in Ukraine. Reform that could not be possible without strong civil society, that was struggling to turn the situation to better since the corrupt President Yanukovich left the country after the revolution of Dignity in 2013.

Ukraine faced many challenges to get what we have now and proudly share our experience.

The Convention has equipped us with anti-corruption instruments, most of which we have implemented and effectively utilized.

Electronic assets declarations of over 1 million officials were open to the society, electronic procurement system that have already saved over 6 billion dollars for taxpayers. Becoming transparent, we established new and effective anti-corruption agencies, that must ensure responsibility. All that was not possible without hearing the voice and constructive pressure of civil society.

Now we are working on saving what we have.

Legislation with corruption holes in it makes the war against corruption much harder. So, we maintain to develop effective preventive mechanisms. One of them is corruption proofing of legislation and draft legislation. You know that feeling where you see that some lawmakers, in your country, abuse their powers in making rush and ill laws just for the rich to be richer, and you have no regulation for lobbying to prevent and fight such abuse; you see the local officials violating human rights and the rule of law by making and applying ill regulations. I am sure that you do know that feeling.

Since 2015, the Ukrainian government together with the civil society united to change the situation and stop it. Civil society together with the Parliament and the National agency on corruption prevention started to analyze almost each draft law on corruption risk, according to the strict and precise methodology.

Six years of our activity resulted in more than 8000 draft laws analyzed, and in nearly one thousand draft laws with corruption-causing factors identified.

But that is not all. After years of real fighting for corruption-free regulation, we have proved to be capable of persuading the parliamentarians to abandon their ill-intentioned lawmaking; we have proved to change and make policies more effective.

We believe that anti-corruption assessment must be a compulsory element for the policy-making process in every sphere.

Understanding the importance of peer-to-peer support, we are convinced that our good practices can equip practitioners from your countries with efficient anti-corruption tools.

We are here to share our experience and we welcome the States Parties to the Convention to learn more about Ukrainian tools. Legislation regulation must be formed with the involvement of the society and for the society.

Thank you!

**Tetyana Khutor at the the ninth session of the Conference of the States Parties to the United Nations Convention against Corruption, Sharm El-Sheikh, 13-17 December 2021*



PUBLIC INVOLVEMENT INTO DECISION MAKING

We are convinced that correct and fair legislative decisions can only be made with the participation of the public and other stakeholders. Effective forms of interaction between the state power and civil society should replace the formal and non-functioning mechanisms used just “for ticking”. Monitoring such interactions provides an opportunity to determine best practices that need to be developed, and worse practices that should be abandoned or their application should be transformed.



Activities of the Verkhovna Rada Committees in 2020: effectiveness and interaction with stakeholders

In 2021, we completed the first study of such kind, in its nature it became an “audit” of the performance of parliamentary committees. The main goal of our independent public monitoring was to assess the level of interaction between the civil society and parliamentary committees.

We are convinced that it is impossible to make the right decision without involving stakeholders (stakeholders), in particular, business, civil society organizations, state authorities, and other subjects that will be affected by the adoption of a law.

To understand how the committees interacted with their stakeholders, we developed a unique methodology based on the best foreign approaches and the peculiarities of the performance of committees of the Verkhovna Rada of Ukraine.

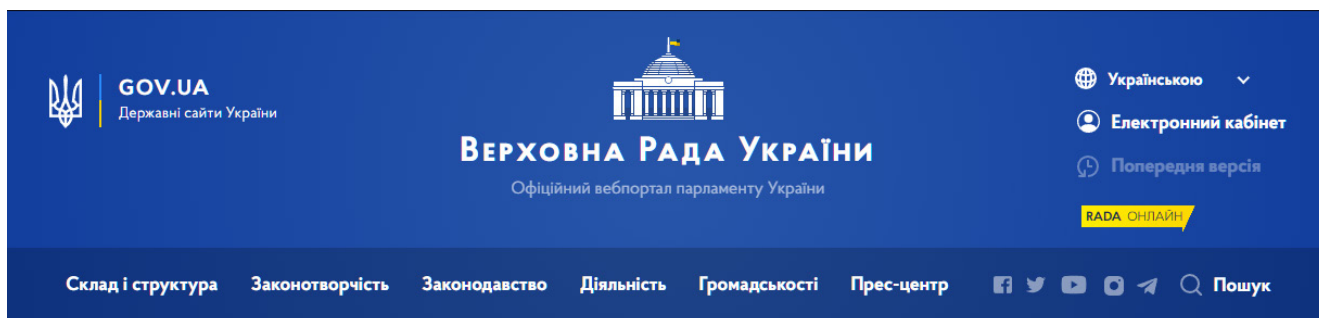
- It is based on the assessment of the completeness and depth of such interaction, qualitative and quantitative indicators.
- We assessed how each of the 23 committees involves stakeholders in the implementation of each of their 3 functions, namely legislative, control, organizational, under 27 indicators.

The results we obtained are based not only on the analysis of about 3000 documents available on the official websites of the committees but also on 51 in-depth interviews and 576 responses from stakeholders and committees.

Based on the received information, specific recommendations are formed for the representatives of the Verkhovna Rada committees and stakeholders, which will help to improve their interaction.

Our findings and recommendations to the committees were presented online at the height of quarantine restrictions at the Verkhovna Rada of Ukraine with the participation of more than 170 participants. The presentation was attended by the leadership of the Parliament, chairs of committees and secretariats, the Verkhovna Rada staff, representatives of stakeholders, and international partners.



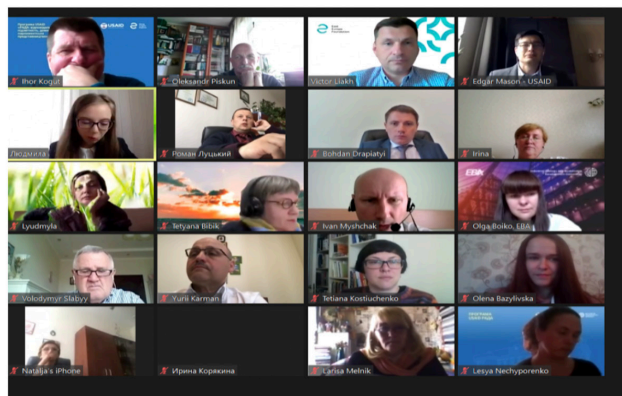


Презентація моніторингового звіту "Діяльність Комітетів Верховної Ради України 2020: результативність та взаємодія зі стейкхолдерами"

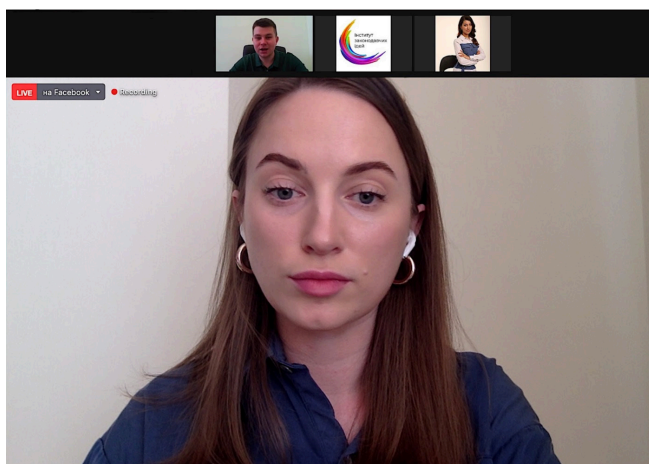
Прес-служба Апарату Верховної Ради України

13 ТРАВНЯ 2021 13⁰⁰

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**Announcement on the website of the Parliament about the "Activities of the Verkhovna Rada Committees in 2020: Effectiveness and Interaction with Stakeholders" monitoring report*



Moreover, the additional results were presented within the framework of the World Open Government Week and other events, including those held among international partners and academia.

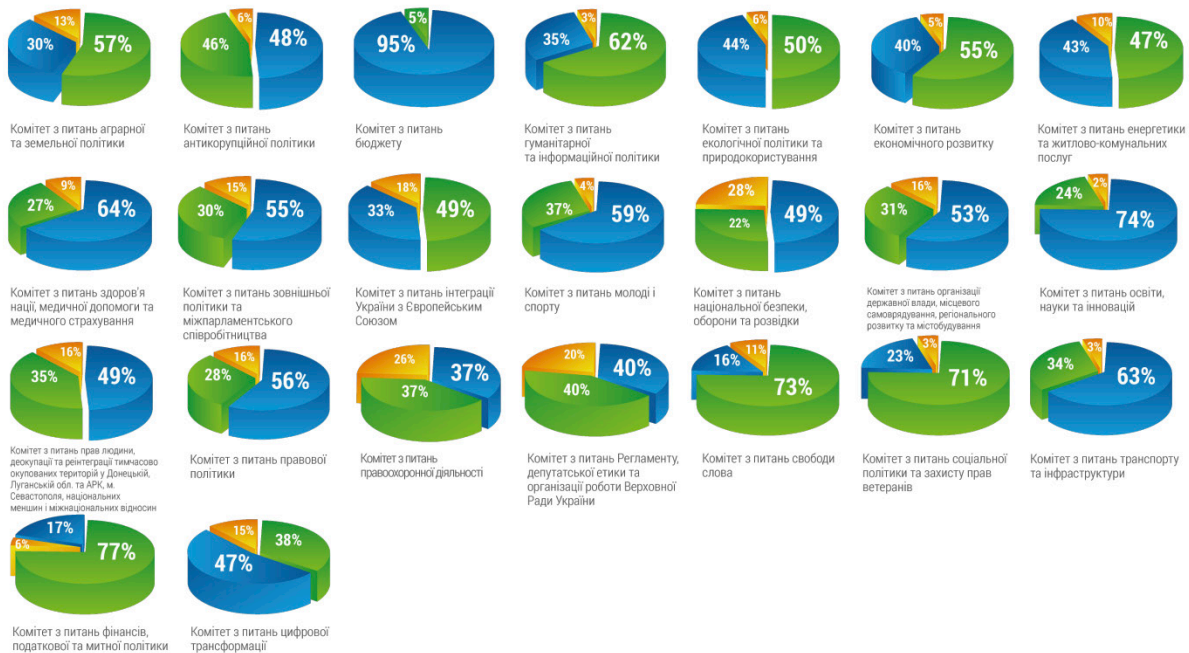
Our recommendations were presented at the X Civil Society Development Forum.

Monitoring report: "Activity of Parliamentary Committees in 2020: Effectiveness and Interaction with Stakeholders"

Stakeholders' assessment of sufficiency and impact of their engagement in the legislative function

	Was the organization / agency sufficiently engaged in the performance of the legislative function by the committee in 2020?	How much did the engagement of the organization / agency impact the issue in 2020?			
Committee on Youth and Sports	8,17	8,55	Committee on Budget	5,56	5,33
Committee on Environmental Policy and Nature Management	6,77	6,67	Committee on Legal Policy	5,47	4,63
Committee on Education, Science and Innovations	6,75	6,47	Committee on Transport and Infrastructure	5,17	7,14
Committee on Human Rights, Deoccupation and Reintegration of Temporarily Occupied Territories in Donetsk, Luhansk Regions and Autonomous Republic of Crimea, National Minorities and Interethnic Relations	6,50	7,30	Committee on Economic Development	4,95	6,06
Committee on State Building, Local Governance, Regional and Urban Development	6,35	6,07	Committee on Social Policy and Protection of Veterans' Rights	4,71	7,00
Committee on Agrarian and Land Policy	6,08	5,69	Committee on Humanitarian and Information Policy	4,67	5,83
Committee on Digital Transformation	6,00	6,75	Committee on Foreign Policy and Inter-Parliamentary Cooperation	4,67	5,00
Committee on Energy, Housing and Utilities Services	5,90	6,63	Committee on Public Health, Medical Assistance and Medical Insurance	4,47	6,75
Committee on Finance, Taxation and Customs Policy	5,74	6,00	Committee on Anti-Corruption Policy	4,38	5,17
Committee on Law Enforcement	5,58	5,15	Committee on National Security, Defence and Intelligence	4,00	4,18
			Committee on Ukraine's Integration into the European Union	2,71	3,17

Completeness of stakeholder engagement by each VRU committee in 2020 (% of the total number identified) and their structure



ILI SUPERVISORY BOARD

The ILI's independence and transparency are assured by external oversight by the Supervisory Board, which includes people who are leaders of thought in the sphere of preventing and combating corruption.



Larysa Holnyk

a judge of the Oktyabrsky district court of Poltava

«Overburdened with my routine things, I don't always have time to keep track of the achievements of my "wards", the professional, friendly, and purposeful team of the Institute of Legislative Ideas. And they, these achievements, do not cease to amaze. By their scale too.

The ILI not only conducts a day-to-day anti-corruption assessment of draft laws, monitors the activities of parliamentary committees and parliamentarians (and they mostly take into account the remarks given by civil society experts), but also researched Ukraine's compliance with the UN Convention against Corruption. The chair of the organization, Tetyana Khutor, as a member of the official delegation of Ukraine, took her floor at the Conference of the States Parties to the UN Convention against Corruption.

I also consider the regional expansion of the ILI's activities to be very important and relevant, specifically, establishing cooperation with local self-government authorities to eradicate corruption risks in their draft decisions.

I regret that my mother-land Poltava stays away from this process. At the same time, I understand clearly well that the very readiness of mayors to conduct such an assessment is a definite marker of the priorities of their activities, with the dominance of the interests of the local community over personal mercantile ambitions.».



Yegor Sobolev

ex-head of the Verkhovna Rada Committee on Prevention and Combating Corruption

«Civil society scrutiny of law-making reduces opportunities for corruption. It's great that the ILI proceeds their work, and even started to make such an analysis of draft decisions of local councils».



Oksana Nesterenko

anti-corruption policy professional, Head of the Inter-Disciplinary Research and Education Center for Combating Corruption in Ukraine at the National University of «Kyiv-Mohyla Academy»

«ILI has shown great achievements in institutional development, partnerships with other organizations, and the implementation of new projects. The ILI team consists of professional, virtuous people».

OUR CIVIC STANCE

In 2021, we continued to communicate with friendly organizations with which we maintain strong-standing ties. We joined the forces by signing 11 joint statements:

December 21

The joint statement of civil society organizations demanding to hold elections only on open lists

November 5

The call to the President to veto a law concerning the improvement of the legal regulation of political parties funding

October 22

The call to the Verkhovna Rada to restore the obligation of political parties to submit their quarterly reports on property, income, expenses, and financial obligations

October 12

The statement calling on parliamentarians not to vote for the draft Law of Ukraine No. 4521 «On Making Amendments to Certain Laws of Ukraine Concerning Support of Volunteering»

June 1

The statement to parliamentarians on the need to finalize the parliamentary project on the reform of the Security Service of Ukraine

April 15

The statement to support the President's draft laws on the liquidation of the Kyiv District Administrative Court (KDAC)

April 5

The statement on the draft law No. 5253, which destroys control over political parties' funding, abolishes the NAPC's powers to carry out verifications

March 9

The statement on illegal surveillance against civil society activists

February 24

The call to unblock defense procurement reform, and prevent the return of post-Soviet corrupt practices

February 8

The call to the President of Ukraine to veto the law on whistleblowers

February 3

The Letter to the U.S. Department of State to expand sanctions against Viktor Medvedchuk



NEW OPPORTUNITIES WITH THE ILI

The ILI has opened up new opportunities for the development of active young people in the sphere of anti-corruption and parliamentary work, namely internships. We are convinced that this is a great opportunity to gain experience in draft law analysis and analytical product development. For effective internship, we composed a tailor-made internship program.

In 2021, 3 people underwent internships at the Institute of Legislative Ideas. Trainees learned how to conduct an anti-corruption assessment and were involved in analytical work within the organization's projects. The average duration of the internship is 5 months.

“First of all, among the processes that significantly hamper the country's development is legislation with corrupt, discriminatory, and ineffective norms. Analytical activity in the context of the legislative process is not a declared postulate, but a real guarantee of building a democratic country. In my view, the Institute of Legal Ideas is a synthesis of values, a balanced and well-thought-out approach to work, interesting projects, one global mission, and, most importantly, a unique team of people. And I am proud that, before I entered the master's program, I got here, the practice supported by knowledge and multiplied by cool mentors gives an incredible charge of energy, the desire to develop” – Viktoria Tomych, the intern in the ILI.

If you have the desire and aptitude for work on the development of effective and transparent legislation in Ukraine, then send your motivation letter and CV to our mail: **office@izi.institute**, with the subject of the letter “**Intern for the Institute of Legislative Ideas**”.



THEY TALK ABOUT US



OUR SUPPORTERS

Despite all the challenges we faced in 2020, our ideas were supported by our partners, to whom we are sincerely grateful for the trust.

The ILI is one of 4 organizations in Ukraine that received institutional support from the European Union Anti-Corruption Initiative (EUACI) to implement its strategy.

For the second year now, within the framework of the think tank development program, the International Renaissance Foundation, with the support of the Embassy of Sweden in Ukraine, is assisting the ILI for its internal development and analytical strengthening.

The International Renaissance Foundation has assisted to communicate the results of the anti-corruption assessment of draft laws.

Thanks to the RADA Program and the Eastern Europe Foundation (supported by the United States Agency for International Development, USAID), we have launched a new systemic line of our work, the monitoring of the interaction between state authorities and the public.

The Institute of Legislative Ideas has passed an independent audit in accordance with the requirements of the Law of Ukraine “On Auditing Financial Statements and Auditing Activity”, dated on December 21, 2017, No. 2258-VIII, International Standards for Quality Control, Audit, Review, Other Assurance, and Related Services. The report on the receipt and use of funds under grant agreements and the report of the independent auditor for 2021 were conducted by “HLB Ukraine” LLC.



Міністерство Закордонних
Справ
Данія в Україні



МІЖНАРОДНИЙ
ФОНД
ВІДРОДЖЕННЯ



USAID
ВІД АМЕРИКАНСЬКОГО НАРОДУ



Фонд
Східна
Європа

Ministry of foreign affairs of
Denmark

5 188 106,82UAH

Embassy of Sweden in Ukraine
(is being realised in assistance
with the International
Renaissance Foundation,
project No. SG53895)

1 156 092,00UAH

East Europe Foundation (in
assistance with the USAID)

653 546,00UAH

The International
Renaissance Foundation,
project No. SG53985

450 160,00UAH

The International
Renaissance Foundation,
project No. SG54443

286 000,00UAH

Embassy of Sweden in
Ukraine (is being realised
in assistance with the
International Renaissance
Foundation, project
No. SG54192)

160 221,94UAH

The International
Renaissance Foundation,
project No. SG54442

129 075,00UAH

INSTITUTE
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ANNUAL REPORT

2021



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