Independent Reporting Mechanism UKRAINE: Progress Report 2012-13

Ivan Presniakov, Ukrainian Institute for Public Policy

EXECUTIVE SUMMARY: UKRAINE

Independent Reporting Mechanism (IRM) Progress Report 2012-13

Until recently, the Government of Ukraine made a genuine effort to co-operate with civil society in achieving its OGP commitments. However, political crisis that started in December 2013, created serious risks for successful OGP process in Ukraine and demonstrated that democratic political system in Ukraine is still very fragile.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a biannual review of the activities of each OGP participating country.

Ukraine officially began participating in OGP in September 2011, when President Victor Yanukovich declared the government's intent to join.

In June 2012, the Government established the OGP Implementation Co-ordinating Council to lead OGP efforts in Ukraine. The Council consists of members of both the Government and civil society organisations (CSOs). In practice, the Council met only twice and its effectiveness was very limited. Instead, OGP co-ordination in Ukraine was conducted through already existing Government mechanisms. This was possible because the majority of Ukraine's OGP commitments were duplicated in other government plans and programmes, e.g. the State Anti-Corruption Programme, the Plan for Economic Reforms Implementation, and the plans of legislative work for specific government bodies.

OGP PROCESS

Countries participating in the OGP follow a process for consultation during development of their OGP action plan and during implementation.

CSOs had difficulties communicating with the Government during the first few months of OGP, due to lack of a central OGP co-ordinating body. This changed in March 2012, when the Prime Minister appointed two high-ranking officials to co-ordinate the process. Soon after, a multi-stakeholder working group completed the action plan. The result was seen as an example of successful co-operation between the Government and civil society.

However, because so much time was needed to organize communication among stakeholders, there was little time left to work on the content of the action plan. As implementation began, some problems emerged.

The government published its self-assessment in late October 2013. The drafting process was inclusive of a wide range of stakeholders. The final report is a broad narrative, as it describes implementation of the detailed Plan of Activities, which was adopted by the Government in 2012. It is complemented by several detailed government reports on implementation, as well as corresponding civil society monitoring reports. However, it has only few references to specific commitments.

At a glance

Member since:	2011
Number of commitments:	30
Level of Completion	
Completed:	**7 of 30**
Substantial:	**7 of 30**
Limited:	**14 of 30**
Not started:	0 of 30
Timing	
On schedule:	**7 of 30**
Commitment emphasis:	
Access to information:	**15 of 30**
Participation:	**6 of 30**
Accountability:	**9 of 30**
Tech & innovation for transparency & accountability:	**7 of 30**
Unclear:	**4 of 30**
Number of commitments with:	
Clear relevance to an OGP Value:	**26 of** 30
Moderate or transformative potential impact:	**13 of** 30
Substantial or complete implementation:	**14 of** 30
All three (✪):	**7 of 30**

COMMITMENT IMPLEMENTATION

As part of OGP, countries are required to make commitments in a two-year action plan. Table 1 summarizes each commitment, its level of completion, its ambition, and whether it falls within Ukraine's planned schedule, and the key next steps for the commitment in future OGP action plans. Table 2 summarizes progress under each commitment. Ukraine's plan covered a wide variety of sectors and had a number of ambitious commitments, as evidenced below. Ukraine completed three of its commitments.

Table 1: Assessment of Progress by Commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
✪ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
PUBLIC PARTICIPATION										
✪ **1. Laws on public participation** – Develop laws on charitable organisations, peaceful assembly, referenda, and public participation in the formulation of public policy.	●	●	●		●	●	●	●	On schedule	Further work on basic implementation
2. Amendments to the law on community associations – Change regulations on community associations and expand their financial and material resource base.	●	●	●		●	●	●		Behind schedule	Further work on basic implementation
3. Amendments to resolutions on collaboration with civil society – Amend Cabinet resolutions to expand opportunities for public consultations on government.	●	●			●	●			Behind schedule	Revision of commitment to be more achievable or measurable
4. Training for public servants on consultations – Improve public servants' skills in collaborating with the public when making and implementing policies.	●	●	●		●	●			Behind schedule	Maintenance and monitoring of completed implementation
ACCESS TO INFORMATION										
✪ **5. Harmonisation of access to information laws** – Ensure consistency within the laws "On Information" and on "Access to Public Information."	●	●	●		●	●	●		Behind schedule	Further work on basic implementation
6. By-laws on access to information – Adopt regulations necessary for implementing the law on "Access to Public Information."	●	●			●	●			Behind schedule	Further work on basic implementation
7. Guidelines for classifying data – Draft guidelines for classifying data in collaboration with members of the public.	●	●			●	●			Behind schedule	Further work on basic implementation
8. Public information recording systems – Draft an action plan to introduce these systems at the state and local levels.	●	●			●	●	●	●	On schedule	New commitment building on existing implementation

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
✪ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.										
9. Law on public broadcasting – Hold a public discussion on and finalize the draft law to introduce public television and radio broadcasting in Ukraine.	■	■			■	■	■		Behind schedule	Further work on basic implementation
10. Public access to information in state registers – Hold public discussions on implementing access to information in state registers on property, businesses, and corruption.	■	■			■	■			Behind schedule	Revision of commitment to be more achievable or measurable
✪ **11. Extractive Industries Transparency Initiative** – Prepare Ukraine for implementation of and membership in this international initiative.	■	■	■	■	■	■	■		On schedule	Further work on basic implementation
ANTI-CORRUPTION										
12. Law for controlling declarations of public servants – Implement an internal state mechanism for managing conflicts of interest of public servants.	■	■	■		■	■			Behind schedule	Revision of commitment to be more achievable or measurable
13. Public declarations of officials' assets – Amend the anti-corruption law to ensure greater openness of data, particularly regarding assets of high profile officials.	■	■			■	■			Behind schedule	Further work on basic implementation
14. Guidelines on conflicts of interest – Draft and disseminate recommendations to prevent and address conflicts of interest.	■	■			■	■			Behind schedule	Further work on basic implementation
✪ **15. Updated anti-corruption laws** – Introduce in draft laws in Parliament to implement recent recommendations by international anti-corruption initiatives.	■	■	■		■	■	■	■	On schedule	Maintenance and monitoring of completed implementation
16. Regional anti-corruption programmes – Develop these programmes in collaboration with the public and based on best practices.	■	■			■	■	■		Behind schedule	Further work on basic implementation
17. Law on competitive e-government procurement – Establish a mechanism to ensure greater transparency and integrity in e-government procurement.	■	■			■	■			Behind schedule	Further work on basic implementation
IMPROVED ADMINISTRATIVE SERVICES										
✪ **18. Anti-corruption measures in administrative services** – Take steps to regulate the delivery of administrative services.	■	■	■	■	■	■	■		On schedule	New commitment building on existing implementation

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
✪ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
19. Electronic access to administrative services – Develop a regulatory framework to enable electronic access to information about state and local government services.	■				■	■	■	■	On schedule	New commitment building on existing implementation
20. Government web portal of administrative services – Launch a web portal where citizens can apply, pay for, and receive government services.	■				■	■			Behind schedule	Further work on basic implementation
21. Administrative services in a digital format – Introduce government services electronically through a unified web portal.	■	■	■		■	■			Behind schedule	Further work on basic implementation
✪ **22. Regional administrative service centres** – Establish these centres in all of Ukraine's regions.	■	■	■	■	■	■	■		Behind schedule	New commitment building on existing implementation
E-GOVERNANCE										
23. Programme for promotion of e-government – Develop this programme in cooperation with the public.	■	■			Withdrawn					Revision of commitment to be more achievable or measurable
24. Electronic collaboration between executive agencies – Implement a system of electronic collaboration.	■				■	■	■		Behind schedule	Further work on basic implementation
✪ **25. Web-based petitions system** – Develop a web platform where citizens can file petitions and information requests with government agencies.	■	■			■	■			Behind schedule	Further work on basic implementation
26. One stop shop for e-reporting – Develop and implement an automated system where citizens and business can access relevant administrative information.	■	■	■	■	■	■			Behind schedule	Further work on basic implementation
27. E-region pilot project – Launch a pilot project in the Dnipropetrovsk region.	■	■			■	■			Behind schedule	Further work on basic implementation
28. Network of e-government practitioners – Launch a social networking system called "We Develop E-Government" to engage citizens in formulating state policy.	■	■			■	■	■	■	On schedule	New commitment building on existing implementation
29. Public libraries as bridges towards e-governance – Implement this initiative to provide free access to official information and build awareness of e-government.	■	■			■	■	■		Behind schedule	Further work on basic implementation

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
✪ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
30. E-government knowledge management portal – Launch a portal to store data on best practices in promoting e-government in Ukraine.	◼				Withdrawn					None: abandon commitment

Table 2: Summary of Progress by Commitment

NAME OF COMMITMENT	SUMMARY OF RESULTS
✪ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.	
PUBLIC PARTICIPATION	
✪ 1. Laws on public participation • OGP Value Relevance: Clear • Potential impact: Moderate • Completion: Complete	This commitment focused on "taking steps" to adopt four key laws, so this commitment was technically achieved. Still, institutional framework for cooperation with civil society is not quite developed.
2. Amendments to the law on community associations • OGP Value Relevance: Clear • Potential impact: Moderate • Completion: Limited	The working group tasked with amending the current law stopped its activities due to significant differences between the Government and civil society members. Civil society experts believed that a draft law that was submitted to the Parliament does not correspond with the proclaimed aim of the commitment. Moving forward, the IRM researcher recommends that the Government organize a wider discussion involving all stakeholders in the process.
3. Amendments to resolutions on collaboration with civil society • OGP Value Relevance: Clear • Potential impact: Minor • Completion: Limited	Interviews revealed that the Government and civil society lack a common understanding of what is expected under this commitment. The Government took several practical steps to improve interaction with civil society, such as the creation of an advisory body and updates to a website. These steps are in some way related to the commitment; however, they do not form part of an integrated and coherent policy. The IRM researcher recommends that strengthening cooperation with civil society would be more effectively accomplished through the Co-ordinating Council, rather than by simply passing decrees.
4. Training for public servants on consultations • OGP Value Relevance: Clear • Potential impact: Moderate • Completion: Limited	National Academy for Public Administration under the President of Ukraine implements the corresponding Action Plan that was passed in 2012. Also, the Secretariat of the Cabinet of Ministers conducted ten training seminars on improving public consultations. However, implementation of this commitment so far has been insufficient. Several factors undermine the effectiveness of training programmes: fees for trainers tend to be too small, no budget is set aside for training materials, and the trainings tend to be formal lectures rather than interactive sessions where new attitudes and competencies are developed. The IRM researchers recommend organising regular monitoring of the implementation of this commitment and evaluations of the quality of such training.
ACCESS TO INFORMATION	
✪ 5. Harmonisation of access to information laws • OGP Value Relevance: Clear • Potential impact: Moderate • Completion: Substantial	The law "On Access to Public Information" was signed in January 2011 and has become a real breakthrough for Ukraine in the sphere of governmental openness for citizens. One of the main purposes of this commitment was to amend existing laws to ensure consistency with the new access to information law. The Government and civil society experts drafted amendments and brought them to the Parliament in May 2012. However, the amendments remain delayed in Parliament. There is wide agreement among Government and civil society stakeholders that adoption of this draft law is one of the greatest priorities among public access to information issues.

6. By-laws on access to information • OGP Value Relevance: Clear • Potential impact: Minor • Completion: Limited	As part of this commitment, the State Committee of Archives, the Ministry of Justice, and other central government bodies were tasked with developing instructions on managing public information requests and other by-laws. CSO experts believe that the changes made so far are insufficient. At the current stage, the work has been frozen due to the fact that authorities believe that all of these documents need to be harmonized with the legislative amendments described in the previous commitment, which have yet to be adopted. To implement this commitment, it is first necessary to adopt the laws described in Commitment 5.
7. Guidelines for classifying data • OGP Value Relevance: Clear • Potential impact: Minor • Completion: Limited	It is not clear which institution is responsible for implementation of this commitment. Work on developing a manual on the management of classified documents is stalled until the laws described in Commitment 5 are adopted. Government bodies pass their own instructions on that matter. After developing the general guidelines, there is also a need to organize systematic activities on training and exchange of experiences for government officials dealing with information requests and information classification.
8. Public information recording systems • OGP Value Relevance: Clear • Potential impact: Minor • Completion: Complete	Work on this commitment has progressed further than expected. Authorities have started to create these systems. According to the Government, 88% of the government bodies created these systems and 78 % of bodies presented public information recording system on their web-sites. However, according to civil society experts, these systems are in place in only 23 per cent of central executive bodies, while 54 per cent have lists of public bodies' documents instead of actual systems. It is necessary to finalize the implementation of information recording systems in all regions. After this is achieved, the IRM researchers recommend organising a joint Government-civil society effort to monitor these systems.
9. Law on public broadcasting • OGP Value Relevance: Clear • Potential impact: Minor • Completion: Substantial	This commitment called for public discussions and finalizing the draft law "On Public Television and Radio Broadcasting of Ukraine." The Government held public discussions, and the Cabinet of Minister submitted the draft law to Parliament in December 2012, but the law remains stuck in Parliament due to differing views between the ruling and opposition parties. Meanwhile, civil society experts continue to express concerns that the future public broadcaster will be politically dependent on the ruling party. To successfully adopt the draft law and establish public television in Ukraine, it is necessary to organize effective consultations in the Parliament involving both the Government and civil society experts.
10. Public access to information in state registers • OGP Value Relevance: Clear • Potential impact: Minor • Completion: Limited	The IRM researchers found no evidence that public discussions had taken place on this commitment. The Parliament and the Government took a number of steps to open access to the state registers, including publishing a national cadastre website, providing public access to the register of persons who have committed corruption crimes, and providing access to a business register. However, the real changes in this sphere are not so significant. Many citizens do not like the idea of disclosing this information. To ensure progress in providing access to the state registers, the Government should seek to allay fears of citizens and promote the advantages of opening the registers.
✪ 11. Extractive Industries Transparency Initiative • OGP Value Relevance: Clear • Potential impact: Transformative • Completion: Complete	In October 2012, the Ministry of Energy and Fuel of Ukraine with civil society participation established the Multi-stakeholder group on implementation of EITI. In October 2013, the Ministry in cooperation with the Multi-stakeholder group submitted a set of documents to enable Ukraine to join the EITI. The international board approved Ukraine's application on 17 October 2013. Ukraine is now a candidate country and will undergo a validation process to become a full member. In connection with this, it is important that this commitment remain a focus of the Co-ordinating Council in implementation of the OGP initiative in Ukraine.
ANTI-CORRUPTION	
12. Law for controlling declarations of public servants • OGP Value Relevance: Clear • Potential impact: Moderate • Completion: Limited	This commitment was partially fulfilled after the Parliament adopted the Law "On Grounds of Corruption Prevention and Counteraction" in May 2013. The basic problem with the adopted changes is that the departments for controlling public servants' declarations were created within government bodies themselves. This will hardly be effective in controlling the declarations of these very bodies' leaders. In September 2013, the Cabinet of Ministers proposed a related draft law on anti-corruption, which transfers some oversight functions to the Ministry of Revenue and Duties. This draft law ensures that there will be administrative liability when deliberately misleading information is included in the declarations. To strengthen this commitment, the IRM researcher recommends that the next OGP Action Plan aim to develop a national web portal where citizens can access public servants' declarations.
13. Public declarations of officials' assets • OGP Value Relevance: Clear • Potential impact: Minor • Completion: Limited	In May 2013, amendments were made to an anti-corruption law to improve transparency of officials' declarations. However, a vast majority of civil society experts interviewed think the threshold sum of UAH 80 thousand (around USD ten thousand) is still excessive. In most cases, this obligation is useless because of the high threshold for when declarations must be made. A second amendment to the law requires publication of data on officials' declarations on official websites, in addition to in the newspapers. The IRM researchers recommend clarifying what data must be disclosed and who is responsible for publishing officials' declarations.

14. Guidelines on conflicts of interest • OGP Value Relevance: Clear • Potential impact: Minor • Completion: Limited	In October 2013, the Ministry of Justice published and disseminated guidelines on anti-corruption. Chapter 11 of these recommendations comprehensively covers the prevention and regulation of conflicts of interest. The fact that the guidelines exist proves that Ukraine is moving toward the fulfilment of this commitment. However, as the IRM researcher's report was written only three weeks after the guidelines' publication, it is difficult to assess their influence and importance at this time.
✪ 15. Updated anti-corruption laws • OGP Value Relevance: Clear • Potential impact: Moderate • Completion: Complete	In April and May 2013, the Parliament adopted a number of laws aimed at implementing recommendations that have been provided after the third monitoring round by the Group of States Against Corruption. These amendments have significantly reformed the anti-corruption legislation and resolved several old problems. However, several of these laws are not yet operational, which is why it is difficult to assess their practical results at this time. One of the unaddressed tasks in this commitment regards political parties' financing. The IRM researchers suggest drawing more attention to this problem in the next Action Plan.
16. Regional anti-corruption programmes • OGP Value Relevance: Clear • Potential impact: Minor • Completion: Substantial	According to the Government, 22 regional state administrations have developed regional programmes for corruption prevention. According to CSOs' monitoring, however, the programmes have been adopted in only 13 regions. Eight programmes have been developed, but still have not been submitted for adoption. Furthermore, CSOs outside of the civic councils were not always involved in the development of the regional programmes. In 2014 the Ministry of Justice is tasked to analyse these programs in cooperation with civil society organizations and to prepare methodological recommendations on their development as well as to access their implementation. The IRM researchers recommend that monitoring involve all interested parties.
17. Law on competitive e-government procurement • OGP Value Relevance: Clear • Potential impact: Minor • Completion: Limited	In June 2012, the Parliament amended the law on government procurement, introducing a more competitive process for procurement. The Cabinet of Ministers developed rules on how to select companies competitively that will operate these auctions. The experts interviewed by the IRM researchers had differing views on the potential effectiveness of the new approach in fighting corruption in Ukraine. The steps made toward the fulfilment of this commitment have not brought any practical results yet, due to the fact that a number of by-laws are necessary in order for e-auctions to start working. It is necessary to keep working to implement this commitment.
IMPROVED ADMINISTRATIVE SERVICES	
✪ 18. Anti-corruption measures in administrative services • OGP Value Relevance: Clear • Potential impact: Transformative • Completion: Complete	The Law "On Administrative Services" was adopted in September 2012. The adopted law includes a range of important innovations to improve citizens' access to administrative services, including by electronic means. The majority of the interviewed experts recognized that the adoption of the law is a breakthrough in the reform of the administrative services. These reforms are important for governance in Ukraine, however, until they establish accountability mechanisms to ensure that administration goes appropriately, their direct relationship to promoting "open government" as envisaged by OGP remains less clear.
19. Electronic access to administrative services • OGP Value Relevance: Clear • Potential impact: Minor • Completion: Complete	In January 2013, the Cabinet of Ministers of Ukraine adopted a range of resolutions concerning the register of administrative services and the unified state portal of administrative services. By using these tools, citizens can obtain information on administrative services, application forms, and other documents that must be filled out when receiving the service. However, significant work is still needed to implement the system. Interviewed experts from civil society also insisted that the next Action Plan should focus not only on the adoption of by-laws, but also on the performance of the unified state portal of administrative services.
20. Government web portal of administrative services • OGP Value Relevance: Clear • Potential impact: Minor • Completion: Limited	The pilot version of the unified state portal of administrative services was created in 2012. The pilot envisages providing access to information on administrative services, the government bodies providing such services, addresses of centres for providing the services, and corresponding regulations. Unfortunately, the functionality of the portal is not high at present. The portal is working as an informational and reference system without a real possibility to apply for services, pay for them, and receive the results of the application. The IRM researchers recommend that the Ministry of Economy should commit enough financial and intellectual resources to improve functionality of the portal in 2014.
21. Administrative services in a digital format • OGP Value Relevance: Clear • Potential impact: Moderate • Completion: Limited	The law on administrative services requires that these services must be provided in electronic format via the unified state portal, effective 1 January 2014. In practice, this has not yet been implemented. In addition to allocating the earmarked financing for completion of the unified state portal of administrative services, government representatives should pay attention to that fact that the performance of this commitment depends on the implementation of a system of data exchange between different state registers.

✪ 22. Regional administrative service centres • OGP Value Relevance: Clear • Potential impact: Transformative • Completion: Substantial	According to Government representatives, 419 centres for providing administrative services were established in the regions of Ukraine during the OGP reporting period, and their number is constantly increasing. This is a clearly positive result. Having predictable, transparent administrative service centres can help to reduce corruption around the providing of these services in Ukraine. However, as civil society experts have observed, there are some problems that seriously hinder progress towards this commitment. As an important first step, the government should first approve the list of the administrative services that are delivered via the centres. Additionally, the absence of funds has affected implementation in some regions.
E-GOVERNANCE	
23. Programme for promotion of e-government • OGP Value Relevance: Unclear • Potential impact: Minor • Completion: Withdrawn	In August 2013, the Government excluded this commitment from the Action Plan, due to adoption of the Strategy for Information Society Development in Ukraine.
24. Electronic collaboration between executive agencies • OGP Value Relevance: Unclear • Potential impact: Minor • Completion: Substantial	The Government has successfully implemented this commitment so far. In July 2012, the Cabinet of Ministers approved the Regulations of the System of Electronic Cooperation with Executive Bodies. The system now includes 82 state bodies and has contributed successfully to e-governance implementation in Ukraine. However, this system involves cooperation among officials only, without any direct relation to regular citizens. As such, this commitment has not directly advanced OGP principles.
✪ 25. Web-based petitions system • OGP Value Relevance: Clear • Potential impact: Moderate • Completion: Substantial	In 2012, a prototype of the unified information web-resource was opened for citizens' petitions to the public and local authorities. However, the system is not used widely. Citizens, even those who actively use the internet, mostly do not have the electronic digital signatures needed to use the system and do not know the procedure for receiving one. To implement this commitment, it is necessary to fully operationalize the portal, which means adopting a number of regulatory measures and passing the necessary certifications. Work directed towards spreading electronic digital signatures among citizens is equally important.
26. One stop shop for e-reporting • OGP Value Relevance: Clear • Potential impact: Transformative • Completion: Limited	In 2012, the Government developed a plan for fulfilling this commitment. The first stage of the plan is to connect the relevant divisions of the Ministry of Income and Duties and of the Pension Fund to the system, as these are the major government bodies handling business reports. Introduction of a system of reporting by business enterprises could become a significant resource for legal entities and individuals who are conducting business activities. Decreasing interaction between businesspeople and officials has a serious anticorruption potential. The IRM researchers suggest that the Co-ordinating Council should actively control this commitment during the implementation of the next National Action Plan. Furthermore, the performance of this commitment should be divided into several milestones, so that officials and civil society activists can monitor the implementation of this system.
27. E-region pilot project • OGP Value Relevance: Clear • Potential impact: Moderate • Completion: Limited	The Government decided to launch projects not only in the Dnipropetrovsk region, but in other regions as well, including Kyiv and Volynska. A number of e-projects are now underway. However, the majority of these projects cannot boast full functionality, and so their benefits for citizens are small. The challenge of providing administrative services by electronic channels needs special study at the governmental level. There is no need for separate "e-region" portals if the unified portal of administrative services is intended to have the same functionality. One of these commitments should be abandoned, or there should be greater co-ordination within one system.
28. Network of e-government practitioners • OGP Value Relevance: Unclear • Potential impact: Minor • Completion: Complete	The web portal, created in October 2013, will bring together e-government practitioners and provide opportunities for them to improve their skills and build a professional community. However, this commitment has direct impact not for the citizens but for the professionals working in the sphere of e-government. Future actions built upon this commitment need to have more direct focus on increasing transparency and accountability of the government using electronic technologies.
29. Public libraries as bridges towards e-governance • OGP Value Relevance: Clear • Potential impact: Minor • Completion: Substantial	The plan to implement a training programme in e-services in the public libraries was developed by the Ministry of Culture. A project competition was conducted among CSOs between the end of 2012 and the first half of 2013. Local CSOs competed by training librarian specialists to provide professional consultations to the users of electronic administrative services. Further monitoring of this programme could clarify the effectiveness of this initiative and formulate possible further directions in its implementation.

30. E-government knowledge management portal • OGP Value Relevance: Unclear • Potential impact: None • Completion: Withdrawn	The Government withdrew this commitment from the National Action Plan due to similarities with Commitment 28.

RECOMMENDATIONS

In almost every section of the National Action Plan, there are bottlenecks that need to be implemented in order to make further progress in the field possible. Most experts interviewed for this report agreed that the main attention in Ukraine's next action plan should include the following recommendations.

Engaging with civil society in policy development

The first priority is to amend the law "On public self-organising bodies" towards a more inclusive approach. Stakeholders indicated that the Government's previous efforts to create new mechanisms for communication with civil society did not succeed. Instead, the IRM researchers recommend the creation of sectoral councils where the Government and civil society can gather to consult on upcoming policy decisions.

Providing access to information

Second, one of the key "access to information" commitments remains un-implemented. It is important for the Government to increase cooperation with the Parliament to pass the Draft Law No. 0947, amendments to certain legislative acts of Ukraine in connection with the adoption of the Law of Ukraine "On Information" (as amended) and the Law of Ukraine "On Access to Public Information." Implementation of this law will have a cascade effect that improves implementation of other commitments in this thematic field.

Combating corruption

In the fight against corruption, a number of practical problems remain in obtaining sensitive data on politicians and senior government officials, such as assets declarations. To resolve this problem, there is a need to introduce an e-database of the public servants' declarations. This would provide citizens with direct access to these declarations. At the same time, such registers would allow for more systematic control of the declarations by the authorized government bodies.

Reforming administrative services and e-governance

One of the most important administrative reform tasks is to transform the unified state portal of administrative services into a working instrument of services delivery. This will build the foundation for transferring delivery of administrative services from specific government bodies to newly established administrative centres. With respect to electronic governance, it is impossible to deliver administrative services via the internet without such a system of information exchange in place between the existing state registers. Further work is needed to implement these commitments and to introduce new technologies of e-governance.

Eligibility Requirements 2012: To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, visit http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria. Raw data has been recoded by OGP staff into a four-point scale, listed in parentheses below.

Budget Transparency: Key budget documents are public   (4 of 4)   **Access to Information:** Law enacted (4 of 4)

Asset Disclosure: Law enacted   (4 of 4)   **Civic Participation:** 7.94 of 10   (3 of 4)

The Ukrainian Institute for Public Policy is an independent, nonpartisan, non-governmental organization whose mission is to improve the quality of government administration and strengthen civil society through independent research, knowledge dissemination, and organizing public debate.

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

Open Government Partnership

I. BACKGROUND

The Open Government Partnership (OGP) is a voluntary, multi-stakeholder international initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. In pursuit of these goals, OGP provides an international forum for dialogue and sharing among governments, civil society organisations (CSOs), and the private sector, all of which contribute to a common pursuit of open government. OGP stakeholders include participating governments as well as civil society and private sector entities that support the principles and mission of OGP.

Ukraine officially announced its participation in OGP on 20 September 2011, at the UN General Assembly session where the OGP inauguration ceremony took place. The President of Ukraine, Victor Yanukovich, declared the government's intent to join.

To participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of minimum performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. Indicators are produced by organisations other than OGP to determine the extent of country progress on each of the dimensions, with points awarded as described below.

Ukraine entered into the partnership exceeding the minimal requirements for eligibility (12 points out of 16), with a total score of 15 points.[1] At the time of joining, the country had the highest possible ranking for Open Budgets (four out of a possible four, with two essential budget documents being public).[2] The law on access to public information is in place, which gave Ukraine the highest possible ranking for Access to Information criteria (four points).[3] Ukraine also has the highest possible ranking for Asset Disclosure for Senior Officials (four points), with a law in place requiring publication of financial declarations for politicians and senior public officials.[4] Finally, a score of 7.94 out of a possible 10 on the Economist Intelligence Unit's Democracy Index Civil Liberties sub-score gave Ukraine three points in Citizen Engagement criteria.[5]

All OGP participating governments must develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments should begin their action plans by sharing existing efforts related to a set of five "grand challenges," including specific open government strategies and ongoing programmes. (See Section IV for a list of grand challenge areas.) Action plans should then set out each government's OGP commitments, which stretch government practice beyond its current baseline with respect to the relevant grand challenge. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Along with the other cohort 3 founding members of OGP countries, Ukraine developed its national action plan from November 2011 through March 2012. The government submitted the plan in April 2012, and the effective period of implementation of the action plan was officially July 2012 through May 2014. Ukraine published its self-assessment in October 2013. During the OGP London Summit on 30 October–1 November 2013, the Ukrainian government announced that together with civil society it started developing a new plan for 2014–2015.

Pursuant to OGP requirements, the Independent Reporting Mechanism (IRM) of OGP partnered with experienced, independent local researchers to carry out an evaluation of the development and implementation of the country's first action plan. In Ukraine, the

IRM partnered with Ivan Presniakov, an associated expert of the Ukrainian Institute for Public Policy, who authored this progress report. The Ukrainian Institute for Public Policy is a nonpartisan think tank specialising in spheres of corruption prevention, authored this report. The research team also included Anastasiya Kozlovtseva and Olena Illiasevich as research assistants. It is the aim of the IRM to inform ongoing dialogue around development and implementation of future commitments in each OGP participating country.

Institutional Context

In June 2012, in order to co-ordinate efforts in OGP plan implementation, the government by decree established the OGP Implementation Co-ordinating Council, which is currently led by Deputy Prime Minister Konstyantyn Hryshenko. The council includes a total of 39 people. Thirteen of them represent government. Others include civil society activists, heads of the civic councils of government bodies, and other nongovernmental experts.[6]

Members of the Co-ordinating Council are divided into six working groups, one for each of the five grand commitments mentioned in the plan, and a sixth group being responsible for development of the government self-assessment report.[7]

In order to keep its main international donors and partners informed about the OGP implementation process in Ukraine and to establish co-operation in this regard, the International Council on OGP implementation was created in March 2012. It includes representatives of 10 international organizations: the UN Development Programme, Organisation for Security and Co-operation in Europe, World Bank, National Democratic Institute, the local Soros Foundation, "Eastern Europe" Foundation, Microsoft Ukraine, Parliamentary Development Project, U.S. Agency for International Development project "Local Investments and National Competitiveness", "Bibliomist" project of the International Research and Exchanges Board. [8]

In practice, the effectiveness of the Co-ordinating Council and its working groups is very limited. Since its creation until the time of writing this report, the council met only two times. According to government, meetings of the Co-ordinating Council should take place to discuss the most important issues. The working group, which is responsible for development of the self-assessment report, proved to be the most productive one. Others were meeting irregularly.

According to government representatives interviewed during preparation of this report, co-ordination was mainly done through already existing government mechanisms. This was possible because a majority of commitments of the Ukrainian OGP action plan are duplicated in daily government action plans or plans of specific ministries. Thus, regular cabinet meetings and the existing system of deadlines and reports appeared to be an adequate institutional structure for co-ordination of OGP implementation.

Methodological Note

To prepare this report, the IRM researchers reviewed several key documents provided by the national government: the first national action plan;[9] more detailed plan of activities, an annual draft report on OGP implementation, prepared in May 2013;[10] and the government's self-assessment of the first action plan process published in October 2013.[11] The IRM researchers also reviewed the monitoring report on the first year of OGP implementation prepared by a coalition of civil society organisations (CSOs).[12]

The IRM researchers also gathered the views of civil society and interviewed appropriate government officials and other stakeholders. OGP staff and a panel of experts reviewed the report. The government was also given an opportunity to

comment, provide additional information, and identify factual errors prior to publication.

The IRM researchers categorized stakeholders into three groups, depending on their level of involvement in the OGP initiative:

- Members of the Co-ordinating Council on OGP implementation, which includes the most informed representatives of civil society and the government
- Government and civil society experts who are responsible for the implementation of specific commitments
- Thematic experts who were not deeply involved in the OGP

The IRM researchers interviewed representatives from the first group (five people) in person. They gave extensive comments on all aspects of the OGP national plan's development and implementation. The researchers also interviewed representatives from the second group (seven people) in person. They shared their experiences with and impressions of the consultation process during the national plan's development and implementation and gave their assessment of implementation progress. The researchers interviewed experts from the third group (six people) or, in case of their unavailability, asked them to fill out a questionnaire sent by e-mail. Altogether, 18 people were interviewed directly or through e-mail.

To gather the voices of multiple stakeholders, the government organized a roundtable of stakeholders at the end of September 2013.[13] This event was further used by the IRM researchers to gather stakeholders' views on the OGP process further used this event.

Summaries of the forum and interviews are provided in the Annex.

From the methodological point of view it is also important to note that there are meaningful differences in the texts of the commitments of Ukrainian OGP National action plan compared to the more detailed Plan of activities, which was later passed by the Ukrainian government. This report reviews Ukrainian OGP commitments as they are formulated in the National action plan. However, government report and civil society monitoring, which were conducted in 2013, cover implementation of commitments as they are formulated in the more detailed Plan of activities.

In practice, this difference does not change the scope or focus of analysis. But it may cause differences in calculation of number of commitments that are completed. One needs to bear this in mind while comparing different reports.

---

[1] Open Government Partnership, "Eligibility Criteria," http://www.opengovpartnership.org/node.

[2] Gazizullin, I., *Open Budget Survey 2012* (Kyiv: International Budget Partnership, 2012).

[3] Gazizullin, I., *Open Budget Survey 2012* (Kyiv: International Budget Partnership, 2012).

[4] Law of Ukraine: On Principles of Preventing and Counteracting Corruption, adopted 7 Apr. 2011, http://www.eubam.org/files/legislation/Anticorruption_Law_Ukraine.pdf.

[5] Economist Intelligence Unit, "Democracy Index 2010: Democracy in Retreat" (London: The Economist, 2010), available at: http://bit.ly/eLC1rE.

[6] The full list of Council members is available at: http://www.ogp.gov.ua/en/content/coordination-board.

[7] Ukraine Open Government Partnership, "Робочі групи Координаційної ради," http://www.ogp.gov.ua/content/робочі-групи-координаційної-ради.

[8] Open Government Partnership, "International board," http://www.ogp.gov.ua/en/content/international-board.

[9] Cabinet of Ministers of Ukraine, Action Plan of Ukraine for Implementation of the the Open Government Partnership Initiative (Kyiv: 2012).

[10] Government of Ukraine, *Annual Report Project of Open Government Partnership Implementation* (Kyiv: May 2013), http://www.ogp.gov.ua/sites/default/files/reports/Annual%20Report_SKMU_28_05_2013.doc.

---

[11] Government of Ukraine, *Report of Open Government Partnership Implementation* (Kyiv: Oct. 2013), http://www.ogp.gov.ua/sites/default/files/reports/3%D0%B2%D1%96%D1%82_OGP_2013.pdf.

[12] Civic Partnership, Civil Society Monitoring Report of Open Government Partnership Implementation (Kyiv: 2013),
http://www.ogp.gov.ua/sites/default/files/monitoring/First%20year_cs_19_07_2013.pdf.

[13] Civic Partnership, "Dialogue on Issues of Transparent Governance in a Country: First Summaries and Next Activities Planning," 27 Sept. 2013,
http://civic.kmu.gov.ua/consult_mvc_kmu/news/article/show/1664.

II. PROCESS: DEVELOPMENT OF ACTION PLAN

Countries participating in OGP follow a set process for consultation during development of their OGP action plan.

OGP Guidelines

Countries must:

- Make the details of their public consultation process and timeline available (online at minimum) prior to the consultation.
- Consult widely with the national community, including civil society and the private sector; seek out a diverse range of views and; make a summary of the public consultation and all individual written comment submissions available online.
- Undertake OGP awareness raising activities to enhance public participation in the consultation.
- Consult the population with sufficient forewarning and through a variety of mechanisms—including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage.

A fifth requirement, during consultation, is set out in the OGP Articles of Governance. This requirement is dealt with in section "C: Consultation during implementation":

- Countries are to identify a forum to enable regular multi-stakeholder consultation on OGP implementation—this can be an existing entity or a new one.

Table 1: Consultation Process

Phase of Action	OGP Process Requirement (Articles of Governance Section)	Did the Government Meet this Requirement?
During Development	Timeline and process: Prior availability (II.1.a.ii)	No
	Timeline: Online (II.1.a.i)	No
	Timeline: other channels (II.1.a.iii)	No
	Advance notice (II.4.a.i)	No
	Advance notice: Adequacy (II.4.a.ii)	No
	Awareness-raising activities (II.3.a)	No
	In-person consultations (II.4.b.ii)	Yes
	Summary of comments (II.2.a.i)	Yes[1]
During Implementation	Regular Forum	Yes

Advance Notice of Consultation

The Ukrainian Cabinet of Ministers spent the first months after joining OGP drafting its own action plan, not developing a framework for future consultations. When the draft plan was ready, the government made it public and ordered all central and local government bodies to spend two months consulting with civil society on its content. Naturally, the suggested schedule was too tight for government bodies to organize full-scale consultations and disseminate the necessary information.[2] The consultations were supposed to take place during December 2011 and January 2012, the traditional two-week holiday season, which placed an additional constraint on the process.

As a result, central and local government bodies relied on each government body's civic council meeting as a major tool for the consultations. Government informed civil society organisations (CSOs) that were involved in the work of the civic councils about the opportunity. However, the majority of them learned about the OGP initiative at the same event where they were supposed to give feedback on the government's draft.

Simultaneously, in October 2011, CSOs active in the field of transparency and accountability established the Civic Partnership for the Open Government Implementation Process. The partnership brought together about 60 national and local CSOs and initiated its own awareness campaign and consultation procedure.[3] However, the civil partnership and OGP were two different processes without prior co-ordination, and each side worked independently and on its own initiative.

Quality and Breadth of Consultation

The government, specifically the Ministry of Justice, developed a draft action plan in November 2011. The government made this document public and invited central and local government bodies to publicly comment on it and provide feedback by the end of January 2012. Implementers also made the draft available on the government website "Civil Society and the Government."[4]

The initial approach of the government towards the establishment of the OGP national action plan was to rely on pre-existing mechanisms for public consultations: electronic consultations, and a network of civic councils created under central and local government bodies. The basic advantage of such councils is that they are widespread and exist for almost every regional administration and central government body.[5] The problem, according to CSOs, is that they are too loyal to government bodies. CSOs generally consider the impact of the civic councils' work to be limited.[6]

In addition to the government's consultation, the Civic Partnership for the Open Government Implementation Process launched a parallel process of consultations at the central and regional levels and developed suggestions for the national action plan.

By the January 2012 deadline, the government had received some 400 suggestions for the draft action plan from civic councils and the civic partnership. Unfortunately, due to lack of time and trust between government and CSOs, at this stage the efforts of the government and civic partnership were not united. Therefore, additional negotiations were necessary and the government lost a great deal of productive work time, and the final document suffered as a result.

At first, the government did not set up a working group to consider the submitted proposals. This pushed the civic partnership for OGP implementation to develop its own version of the draft plan and campaign for its consideration, approaching the OGP Steering Committee and other stakeholders.[7]

At that time, communication with the government was complicated by the absence of a single state body responsible for OGP implementation. Initially, the Ministry of Justice, the Secretariat of the Cabinet of Ministers, and the State Agency for Science, Innovations, and Informatisation were responsible for implementation of the OGP. Members of the civic partnership found themselves having to approach all of the bodies participating in the OGP process as well as to the Administration of the President of Ukraine.

Finally, in March 2012, the government passes a resolution of the prime minister, which placed First Vice Premier Valerii Khoroshkovskyi and the Head the State Agency for Science, Innovations, and Informatisation, Volodymyr Semynozhenko, in charge of co-ordinating OGP implementation. Also a new working group tasked with developing and implementing the national OGP action plan was set up. The group represented donor organisations, international non-governmental organisations, Ukrainian CSOs, and state agencies. Within ten days, the draft was re-written to include nearly 80 percent of the suggestions submitted by the civic partnership. On 30 March 2013, the new draft was presented at the National Roundtable chaired by Prime Minister Mykola Azarov and later approved by the Cabinet of Ministers. Stakeholders saw the final result as a big success and a good example of co-operation between government and civil society.[8]

However, because so much effort was needed to organize communication between different stakeholders, there was little time left to work with the content of the final action plan. As time passed and implementation began, different stakeholders noticed that the plan was missing some important parts. The quality of the final version of the action plan could have been better, if more time was spent on consultations.

Looking back, government officials evaluated the co-ordination process as effective and smooth, without focusing on the controversial process of developing and publicly consulting on the draft action plan. Ukrainian CSOs also praised the final version of the national action plan, as it included a lot of suggestions from their side. However, there is room for large improvements in organising better consultative procedures during the development of the next two-year action plan for 2014–2015.

The reasons for the absence of public-government dialogue during the OGP action plan drafting process are twofold: Firstly, according to civil society activists, the lack of openness on the government side was due to the fact that OGP implementation and establishing real dialogue were not a top priority at the beginning of the process. Secondly, the process was hampered by the absence of a single decision-making centre, and the fact that responsibilities had not been clearly divided among executive bodies.

On the CSOs' side, the process was also affected by a lack of awareness of the principles and priorities of OGP, rivalry among CSOs, and lack of organisational sustainability (see Section VI: Moving Forward for details).

---

[1] Civic Partnership, Suggestions and Comments to OGP Process in Ukraine, http://civic.kmu.gov.ua/consult_mvc_kmu/uploads/attach-963-714069378.pdf.
[2] Presniakov, I. (ed.) *The OGP Process in EaP Countries and Russia: Where are we now and where do we go further?* (Kyiv: Ukrainian Institute for Public Policy, 2012), http://www.uipp.org.ua/uploads/news_message/at_file_en/0071/87.pdf.
[3] Creative Union "TORO" (Contact Group of Transparency International in Ukraine), "About the Ukrainian Partnership," http://www.toro.org.ua/en/ogp/about-the-partnership.
[4] Government of Ukraine, National Action Plan for the Open Government Partnership (Kyiv: 2011), http://civic.kmu.gov.ua/consult_mvc_kmu/uploads/attach-963-762351036.pdf.
[5] Oksha, Nataliya, Interview by the authors, (Kyiv: 8 Oct. 2013).
[6] Khmara, Oleksii, Interview by the authors (Kyiv: 8 Oct. 2013).
[7] Presniakov, I. (ed.) *The OGP Process in EaP Countries and Russia: Where are we now and where do we go further?* (Kyiv: Ukrainian Institute for Public Policy, 2012), http://www.uipp.org.ua/uploads/news_message/at_file_en/0071/87.pdf.

18

---

[8] Latsyba, Maksym, Interview by the authors (Kyiv: 14 Oct. 2013).

III. PROCESS: CONSULTATION DURING IMPLEMENTATION

In June 2012, to comply with the OGP guiding principles on establishing a forum for regular multi-stakeholder consultations, the cabinet created the co-ordinating council on implementation of the OGP initiative in Ukraine. It includes representatives of the ministries and other central government bodies responsible for implementation of the initiative, CSO activists in the field of government transparency and accountability, heads of the civic councils under central government bodies and regional administrations, and independent experts. First Deputy Prime Minister Khoroshkovskyi has become the head of the council.[1] Nine months after its establishment, the co-ordinating council's composition was changed to include more CSO representatives.[2]

The government established the co-ordinating council for the purpose of co-ordinating implementation of the national action plan and receiving feedback from civil society in this process. However, in reality at least one of these two functions was implemented through other means. Representatives of the government bodies admitted in their interviews that the co-ordinating council has not been an effective tool of co-ordination, yet CSOs managed to organize a number of meetings with the government to discuss OGP, as indicated in table 1.

It appears that the majority of commitments of the national action plan were duplicated in other government plans and programmes (i.e., the State Anti-Corruption Programme, the Plan for Economic Reforms Implementation, and the plans of legislative work for specific government bodies). Co-ordination of their implementation has been done through the usual tools of government work: cabinet meetings, control of deadlines, reporting, and the like.[3] Therefore, regular meetings of the co-ordinating council and its working groups have been treated as unnecessary.

Consultation Process

The co-ordinating council mainly serves as a multi-stakeholder forum for consultations, rather than a co-ordinating body. The first meeting of the co-ordination council took place in September 2012.[4] Government officials presented their views on OGP implementation progress, while the civic partnership representatives shared the results of their monitoring of the national plan implementation during the first half of the year.[5]

The co-ordinating council met for a second meeting seven months later, in May 2013. This time, the number of council members was higher. The meeting focused on discussing the government report on the first year of OGP implementation in Ukraine. Ukrainian CSOs also presented their monitoring report.[6]

The next meeting took place at a roundtable before the OGP summit in London. The government presented its own success stories, providing the public with the opportunity to comment on them critically. Another task of this meeting was to initiate discussion of the changes to be made in the national action plan for 2014–2015.

According to CSO stakeholders, one of the weaknesses in the OGP national action plan implementation process was the lack of knowledge about this initiative at the local level and the limited involvement of local authorities in the initiative.[7] Consultations were less frequent and efficient at the local level than at the national level. Local government administrations held local level consultations through civic councils, which did not prove to be effective. The Civic Coalition for Supporting Open Government Initiative also tried to organize regular consultations locally. However, the intensity and impact of these consultations depended mainly on the relations between the regional co-ordinators of the civic coalition and authorities.

In general, although the current OGP consultation process may seem insufficient when compared to other countries, even regular biannual meetings of the council promote trust in the relations between the chief members of the OGP initiative in Ukraine. Since CSOs have managed to organize biannual monitoring of the government's implementation of its OGP obligations, the regular meetings provide for a full exchange of opinions. Alas, these discussions did not result in any operative changes to the plan. The co-ordinating council meetings mostly resulted in decisions to mobilize implementation when certain plans have been delayed. The co-ordinating council does not have control over the implementation of OGP commitments.

Most of the CSO representatives that the researchers interviewed did not know the responsibilities of their organisations with respect to OGP and did not have additional possibilities of consulting with the corresponding authorities between the co-ordination council meetings. Their daily communication depends on their existing relations with specific officials who are willing to consult on an ongoing basis.[8]

---

[1] Cabinet of Ministers of Ukraine, Resolution 671, Some Issues of the Open Government Partnership Initiative Realization in Ukraine (Kyiv: 13 June 2013), http://ogp.gov.ua/sites/default/files/documents/RESOLUTION%20%E2%84%96671.pdf.

[2] Cabinet of Ministers of Ukraine, Resolution 316, New Composition of Co-ordination Board for the Open Government Partnership Initiative realization in Ukraine (Kyiv: 15 April 2013), http://ogp.gov.ua/sites/default/files/documents/%D0%9F%D0%BE%D1%81%D1%82%D0%B0%D0%BD%D0%BE%D0%B2%D0%B0%20%D0%9A%D0%9C%D0%A3%20316.pdf.

[3] Oksha, Nataliya, Interview by the authors (Kyiv: 8 Oct. 2013).

[4] Protocol of OGP Co-ordination Council, Meeting №1, 10 Sept. 2012, http://ogp.gov.ua/sites/default/files/documents/Protokol_OpenGov%20%231.pdf.

[5] Khmara, Oleksii & Demensky, Dmytro, *Civil Society audit of first six months of implementation on regional level in Ukraine of the Global Initiative "Open Government Partnership* (Kyiv: Transparency International Ukraine, 2012), http://ogp.gov.ua/sites/default/files/monitoring/%D0%BC%D0%BE%D0%BD%D1%96%D1%82%D0%BE%D1%80%D1%96%D0%BD%D0%B3%20%D1%82%D0%B0%20%D0%BE%D1%86%D1%96%D0%BD%D0%BA%D0%B0.pdf.

[6] Protocol of the OGP Co-ordination Council, Meeting № 2, 28 May 2013, http://ogp.gov.ua/sites/default/files/documents/Protokol%20%23%202.pdf.

[7] Khmara, Oleksii, Interview by the authors (Kyiv: 8 Oct. 2013).

[8] Khmara, Oleksii, Interview by the authors (Kyiv: 8 Oct. 2013).

IV. IMPLEMENTATION OF COMMITMENTS

All OGP participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments begin their OGP country action plans by sharing existing efforts related to their chosen grand challenge(s), including specific open government strategies and ongoing programsprogrammes. Action Plans then set out governments' OGP commitments, which stretch government practice beyond its current baseline with respect to the relevant policy area. These commitments may build on existing efforts, identify new steps to complete on-going reforms, or initiate action in an entirely new area.

OGP commitments are to be structured around a set of five "grand challenges" that governments face. OGP recognizes that all countries are starting from different baselines. Countries are charged with selecting the grand challenges and related concrete commitments that most relate to their unique country contexts. No action plan, standard, or specific commitments are to be forced on any country.

The five OGP grand challenges are:

1. *Improving Public Services—measures that address the full spectrum of citizen services including health, education, criminal justice, water, electricity, telecommunications, and any other relevant service areas by fostering public service improvement or private sector innovation.*
2. *Increasing Public Integrity—measures that address corruption and public ethics, access to information, campaign finance reform, and media and civil society freedom.*
3. *More Effectively Managing Public Resources—measures that address budgets, procurement, natural resources, and foreign assistance.*
4. *Creating Safer Communities—measures that address public safety, the security sector, disaster and crisis response, and environmental threats.*
5. *Increasing Corporate Accountability—measures that address corporate responsibility on issues such as the environment, anti-corruption, consumer protection, and community engagement.*

While the nature of concrete commitments under any grand challenge area should be flexible and allow for each country's unique circumstances, all OGP commitments should be relevant to OGP values laid out in the OGP Articles of Governance:

- **Access to information -** These commitments:
  - pertain to government-held information;
  - are not restricted to decisions is open, comprehensive, timely, freely available to the public, and meet basic open data but pertains to all information;
  - may cover proactive or reactive releases of information;
  - may pertain to strengthen the right to information; and
  - must provide open access to information (it should not be privileged or internal only to government standards (e.g. raw data, machine readability).
- **Citizen Participation** — governments seek to mobilize citizens to engage in public debate, provide input, and make contributions that lead to more responsive, innovative and effective governance. Commitments around access to information:

- open up decision-making to all interested members of the public; such forums are usually "top-down" in that they are created by government (or actors empowered by government) to inform decision-making;
- often include elements of access to information to ensure meaningful input of interested members of the public into decisions;
- often include the enhancing citizens' right to be heard, but do not necessarily include the right to be heeded.
- **Accountability —** there are rules, regulations, and mechanisms in place that call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws or commitments.
  - As part of open government, such commitments have an "open" element, meaning that they are not purely internal systems of accountability without a public face.
- **Technology and Innovation** — Commitments for **Innovation** — governments embrace the importance of providing citizens with open access to technology and innovation
  - Promote, the role of new technologies and offer opportunities for information sharing, public participation, and collaboration.
  - Should make more information public in ways that enable people to both understand what their governments do and to influence decisions;
  - May commit to supporting the ability of governments and citizens in driving innovation, and the importance of increasing the capacity of citizens to use tech for openness and accountability; and
  - May support the use of technology by government employees and citizens alike. .

Countries may focus their commitments at the national, local and/or subnational level—wherever they believe their open government efforts are to have the greatest impact.

Recognising that achieving open government commitments often involves a multi-year process, governments should attach timeframes and benchmarks to their commitments that indicate what is to be accomplished each year, wherever possible.

This section details each of the 30 commitments Ukraine included in its initial action plan. The government grouped these commitments into five categories, which the IRM national researcher has summarized as

- Public participation (four commitments)
- Access to information (seven commitments)
- Anti-corruption (six commitments)
- Improved administrative services (five commitments)
- Access to new technologies (eight commitments)

While most indicators given on each commitment fact sheet are self-explanatory, a number of indicators for each commitment deserve further explanation.
- Relevance: The IRM researcher evaluated each commitment for its relevance to OGP Values and OGP Grand Challenges.
  - OGP values: Some OGP commitments are unclear in their relationship to OGP values. In order to identify such cases, the IRM researcher made a judgment based on a close reading of the commitment text. This identifies commitments that can better articulate their relationship to fundamental issues of openness.

- ○ Grand challenges: While some commitments may be relevant to more than one grand challenge, the reviewer only marked those that had been identified by government (as almost all commitments address a grand challenge).
- Ambition:
  - ○ *Potential impact:* OGP countries are expected to make ambitious commitments (with new or pre-existing activities) that stretch government practice beyond an existing baseline. To contribute to a broad definition of ambition, the IRM researcher judged how potentially transformative commitment might be in the policy area. This is based on researcher's findings and experience as a public policy expert.
  - ○ *New or pre-existing:* The IRM researcher also recorded, in a non-judgmental fashion whether a commitment was based on an action that pre-dated the action plan.
- Timing:
  - ○ *Projected completion:* The OGP Articles of Governance encourage countries to put forth commitments with clear deliverables with suggested annual milestones. In cases where this is information is not available, the IRM researcher makes a best judgment, based on the evidence of how far the commitment could possibly be at the end of the period assessed.

A. PUBLIC PARTICIPATION

1. Laws on Public Participation

Taking steps to provide for adoption of laws of Ukraine on: charity and charitable institutions; peaceful assemblies, with regard to the recommendations by the Venice Commission and the draft law on freedom of peaceful assemblies, prepared by the Commission under the President of Ukraine for Strengthening Democracy and the Rule of Law; local referendum; amendment of certain laws of Ukraine on public participation in formulation and implementation of state policy and addressing issues of local importance.

Commitment Description						
Answerability	**Lead institution**	Ministry of Justice				
	Supporting institutions	Ministry of Culture, Ministry of Regional Development, Construction and Communal Services				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)				
Relevance	**OGP grand challenges**	None				
	OGP Values	**Access to Information**	**Civic Participation**	**Accountability**	**Tech & Innovation for Trans. & Acc.**	**None**
			✓			

Ambition	
New vs. pre-existing	**Potential impact**
Pre-existing	Moderate (The commitment is a major step forward in the relevant policy area, but it remains limited in scale or scope.)

Level of completion		
Start date: July 2012	**Actual completion**	Complete
End date: December 2012	**Projected completion**	Complete
Next steps	Further work on basic implementation	

What happened?

This commitment focuses on taking steps towards adopting four key laws. Among four draft laws, only the law "On Charitable Work and Charitable Organisations" was developed and passed in 2012.[1] Other drafts were submitted to the Parliament. As a result, until recently the commitment was seen as technically achieved.

In 2012 and 2013, a Parliament working group prepared a draft law "On Procedure of Organising and Conducting Peaceful Events." The Ministry of Justice, Ministry of Interior

and Secretariat of the Cabinet of Ministers took an active part in the process. The draft was presented to the Parliament. However, a lack of agreement among the representatives of the government and public blocked its adoption. Parliament adopted two other draft laws, on local referenda and changes directed to strengthening public participation in public policy respectively, in the first reading before adoption of the OGP national action plan. Although working groups were created for the drafts in preparation for the second reading, there was no progress in this sphere during the last year.[2]

Political developments during late 2013 – beginning of 2014 in Ukraine demonstrated, among other things, that government views on public participation could change dramatically depending on political situation. Sharp political confrontation between the ruling political party and opposition pushed Ukrainian Parliament to adopt on January 16 2014 a package of so-called dictatorship laws which, according to interviewed stakeholders, completely contradict the government's OGP commitments. The laws include several important novelties, which, according to representatives of the civil society activists, violated the rights for peaceful assembly and could seriously inhibit public participation in policy development[3]. Later these laws were cancelled; new parliamentary coalition announces its commitment to cooperate closely with civil society. Still, institutional framework for this cooperation is not quite developed.

Did it matter?

The adopted law "On Charitable Work and Charitable Organisations" regulates the use of new instruments by citizens and legal entities for charitable activity, particularly endowments, charitable servitudes, and the rights of charitable organisations to inherit and become the executors of wills for implementing charitable programmes.

Although the draft law "On Procedure of Organising and Conducting Peaceful Events" was not adopted, it has initiated an important public discussion, a very interesting result in itself. The current contradictions among different groups of CSOs do not lend themselves to the possibility of quickly adopting this draft law.

Still, there is a need to work further on establishing a framework for democratic interaction between the Government and CSOs.

Moving forward

The interviewed public representatives indicate that the government is stepping back from some already accepted positive changes. For example, the law "On Charitable Work and Charitable Organisations" is liberal in terms of financial regulation of charitable organisations. After adoption of the law, the Ministry of Justice of Ukraine prepared some amendments to it by order of the president, which make the law more restrictive. CSOs believe that this affects a large number of positive norms in the current law.[4]

The IRM researchers therefore recommend that the Co-ordinating Council continues working on the legislation "On Charitable Work and Charitable Organisations" that was adopted in the first year of OGP implementation. It might be worthwhile for the Co-ordinating Council to conduct regular monitoring of the legislation's implementation to identify possible problems in advance and solve them by preparing interpretations, regulations etc. In this way, the adopted legislation will have long-term positive effect.

---

[1] Law of Ukraine on Charity and Charitable Organisations, 5073-VI (5 July 2012), http://zakon4.rada.gov.ua/laws/show/5073-17.

[2] Civic Partnership, Civil Society Monitoring Report of Open Government Partnership Implementation (Kyiv: 2013), http://www.ogp.gov.ua/sites/default/files/monitoring/First%20year_cs_19_07_2013.pdf.

---

[3] Khmara, Oleksii, Interview by the authors (Kyiv: 18 Jan. 2014).
[4] Khmara, Oleksii, Interview by the authors (Kyiv: 8 Oct. 2013).

2. Amendments to the Law on Community Associations

Introduction of the draft amendments to the law of Ukraine "On Public Self-Organization Bodies (Community Associations)" to Verkhovna Rada of Ukraine, amendment of regulations concerning their establishment and activities so as to facilitate procedures for establishing community associations, expand their financial and material resource base, introduce safeguards for their operation etc., as well as of a bill regulating issues pertaining to organising and holding general assemblies (conferences) of members of local communities at their residence.

Commitment Description						
A ns w er ab ili ty	**Lead institution**	Ministry of Regional Development, Construction and Communal Services				
	Supporting institutions	None				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)				
R el ev an ce	**OGP grand challenges**	None				
	OGP Values	**Access to Informati on**	**Civic Partici pation**	**Accounta bility**	**Tech & Innovation for Trans. & Acc.**	**None**
			✓			

Ambition	
New vs. pre-existing	**Potential impact**
Pre-existing	Moderate (The commitment is a major step forward in the relevant policy area, but it remains limited in scale or scope.)

Level of completion		
Start date: July 2012	**Actual completion**	Limited
End date: December 2012	**Projected completion**	Complete
Next steps	Further work on basic implementation	

What happened?

The Ministry of Regional Development's sub-working group developed a draft law on improving the territorial organisation of the authorities and local governments. The sub-working group consists of both government and civil society representatives. The ministry held consultations on the draft from May to July 2012. Later, at the end of August 2012, drafters sent this draft to ministries and central government bodies for approval, according to standard government procedure. On November 2013 Cabinet of Ministers submitted this draft law to the Parliament.

Did it matter?

As the interviewed public experts claimed, the work on this commitment was performed in a manner that was inconsistent with the government's OGP commitments.[1]

The government tasked the ministry's working group with amending the current law with the aim of establishing the appropriate conditions for citizens' involvement in local decision-making processes, conducting general meetings (conferences) of territorial communities, and the like. However, due to significant difference between the civil society and government members of the sub-working group, the law-making work of the group stopped.[2] Civil society experts believe that the draft that the sub-working group sent for approval to other ministries and central government bodies does not correspond to its proclaimed aim.

Moving forward

Positive performance of this commitment appears doubtful without the involvement of civil society stakeholders in the development of and lobbying for the draft law. During the draft law development process, the government should involve civil society organisations with expertise in self-government and civic engagement issues. To determine the basic elements of the draft law, it might be necessary to organize a wider discussion involving all stakeholders in the process, and to find common approaches to all contradictory issues.[3]

---

[1] Orlovskiy, Oleksiy, Interview by the authors (Kyiv: 2 Oct. 2013).

[2] Civic Partnership, Civil Society Monitoring Report of Open Government Partnership Implementation (Kyiv: 2013),
http://www.ogp.gov.ua/sites/default/files/monitoring/First%20year_cs_19_07_2013.pdf.

[3] Orlovskiy, Oleksiy, Interview by the authors (Kyiv: 2 Oct. 2013).

3. Amendments to Resolutions on Collaboration with Civil Society

Amending resolutions by the Cabinet of Ministers regulating collaboration with civil society bodies as related to holding consultations with the public, evaluation by the public of executive agencies' activities, and anti-corruption public evaluation of draft regulations.

Commitment Description						
A ns w er ab ili ty	**Lead institution**	Ministry of Justice				
	Supporting institutions	Other central government bodies				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but it does not contain specific milestones or deliverables.)				
R el ev an ce	**OGP grand challenges**	None				
	OGP Values	**Access to Informati on**	**Civic Partici pation**	**Accounta bility**	**Tech & Innovation for Trans. & Acc.**	**None**
			✓	✓		

Ambition	
New vs. pre-existing	**Potential impact**
New	Minor (The commitment is an incremental but positive step in the relevant policy area.)

Level of completion		
Start date: July 2012	**Actual completion**	Limited
End date: December2012	**Projected completion**	Complete
Next steps	Revision of the commitment to be more achievable or measurable	

What happened?

In July 2012, the Ministry of Justice prepared the relevant amendments to Enactment No. 996 and later submitted them to the Cabinet of Ministers of Ukraine. The amendments specify the establishment and activity of civic councils under the government bodies. However, the Cabinet of Ministers of Ukraine did not consider the corresponding amendments. Instead, the Prime Minister of Ukraine charged the Ministry of Justice with the task to produce wider initiatives aimed at changing the procedures for conducting consultations with civil society stakeholders, establishing civic councils and conducting civic expertise. The latter task was not yet fulfilled.[1]

Instead, the government made several practical steps for improving interaction with civil society. The steps are in some way related to performing the present commitment. In 2012, the Cabinet of Ministers established a new advisory body, the Civic Councils Heads Board. The prime minister ordered the board to hold regular meetings with participation of the government members and heads of executive bodies.[2]

Furthermore, in 2012 the government significantly updated its "Civil Society and Authorities" website (http://civic.kmu.gov.ua). The new version of the website simplifies citizens' access to discussions on draft decisions and information on events implemented by the government, as well as by the bodies of the executive power.

Did it matter?

The implemented practical steps have created new possibilities for interaction between the authorities and public and are evidence of the government's goodwill to promote effective dialogue and consultations with CSOs. However, they are not part of an integrated and coherent policy, so they are insufficient. In addition, it is doubtful that these steps will be effective, taking into account wider political context. Adoption of "dictatorship laws" in January 2014, one that greatly complicates regulations for CSOs that take any financial assistance from abroad, will probably damage future interaction between the authorities and public.

Moving forward

In addition to the recommendation made for commitment 1, the IRM researchers can suggest the following. The conducted interviews revealed that authorities and civil society lack a common understanding of what is expected under this commitment. It would be more effective to strengthen co-operation through joint working groups or other mechanisms rather than simply passing decrees. This depends on having the political will to improve co-operation between the government and civil society.

---

[1] Civic Partnership, Civil Society Monitoring Report of Open Government Partnership Implementation (Kyiv: 2013),
http://www.ogp.gov.ua/sites/default/files/monitoring/First%20year_cs_19_07_2013.pdf.
[2] Government of Ukraine, *Report of Open Government Partnership Implementation* (Kyiv: Oct. 2013),
http://www.ogp.gov.ua/sites/default/files/reports/3%D0%B2%D1%96%D1%82_OGP_2013.pdf.

4. Training for Public Servants on Consultations

Implementing a comprehensive set of measures in respect of training and improving skills of state servants as regards consulting with the public and collaboration therewith in the context of the process of formulating and implementing state and regional policies.

Commitment Description		
Answerability	**Lead institution**	National Agency of Ukraine on Civil Service
	Supporting institutions	National Academy of Public Administration, Office of the President of Ukraine
	Point of contact specified?	No
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)
Relevance	**OGP grand challenges**	None
	OGP Values	Access to Information / Civic Participation / Accountability / Tech & Innovation for Trans. & Acc. / None
		✓ (Civic Participation)

Ambition	
New vs. pre-existing	**Potential impact**
New	Moderate (The commitment is a major step forward in the relevant policy area, but it remains limited in scale or scope.)

Level of completion		
Start date: July 2012	**Actual completion**	Limited
End date: November 2012	**Projected completion**	Complete
Next steps	Maintenance and monitoring of completed implementation	

What happened?

The National Agency for Civil Service has approved the plan on training and further education of state officials with respect to interaction with the public in the process of state and regional policy formation and implementation. The National Academy of the Public Administration, affiliated with the president of Ukraine, has been involved in the implementation of these events.

In 2012, the Secretariat of the Cabinet of Ministers of Ukraine conducted five seminars on improving public consultations. The cabinet held these seminars for representatives of the central bodies of the executive power and for Administration for Affairs of the Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv, and Sevastopol City State Administrations. In 2013, the Secretariat conducted 5 seminars dealing with issues of interaction with the public for the officials of district state administrations along with the Parliamentary Development Project for Ukraine (PDP II).

The Ministry of Foreign Affairs has studied the European state authorities' experience of interacting with civil society, involving the public in the formation and implementation of the state policy on combating corruption, and promoting public participation in the implementation of e-government initiatives.[1]

Did it matter?

This commitment was important in terms of providing training and further education to state officials and promoting co-operation among public institutions. However, implementation so far has been insufficient. Several factors undermine the effectiveness of training programmes that are implemented by the National Academy of the Public Administration: fees for trainers tend to be too small, no budget is set aside for the development of training materials, and the trainings tend to take the format of formal lectures rather than more interactive sessions where instructors help participants develop new attitudes and competencies. As a result, trainings tend to be more theoretical than practical. According to government representatives, trainings provided by the Secretariat of the Cabinet of Ministers were of a more practical nature.

Moving forward

For the success of this commitment, it is important that the adopted plan on training should be executed in a less formal way, with fewer lectures and more interaction. The IRM researchers recommend organising regular monitoring of the implementation of this plan and evaluations of the quality of such training.

---

[1] Government of Ukraine, *Report of Open Government Partnership Implementation* (Kyiv: Oct. 2013), http://www.ogp.gov.ua/sites/default/files/reports/3%D0%B2%D1%96%D1%82_OGP_2013.pdf.

B. ACCESS TO INFORMATION

5. *Harmonisation of Access to Information Laws*

Harmonizing legislation with Laws of Ukraine "On Information" and "Access to Public Information."

Commitment Description		
A ns w er ab ili ty	**Lead institution**	State Committee on TV and Radio Broadcasting of Ukraine
	Supporting institutions	Ministry of Justice
	Point of contact specified?	No
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)
R el ev an ce	**OGP grand challenges**	Increasing Public Integrity
	OGP Values	**Access to Information** / **Civic Participation** / **Accountability** / **Tech & Innovation for Trans. & Acc.** / **None**

OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
	✓				

Ambition	
New vs. pre-existing	**Potential impact**
Pre-existing	Moderate (The commitment is a major step forward in the relevant policy area, but it remains limited in scale or scope.)

Level of completion		
Start date: July 2012	**Actual completion**	Substantial
End date: September 2012	**Projected completion**	Complete
Next steps	Further work on basic implementation	

What happened?

Officials signed the law "On Access to Public Information" in January 2011, and it has become a breakthrough for Ukraine in the sphere of governmental openness for citizens, as far as it obliges authorities to publicize the information developed in the process of their work. One of the main purposes of this commitment was to amend a number of laws to ensure compliance and consistency with the law "On Access to Public Information." In this way, the government hoped to avoid conflicts between laws and to diminish the opportunity for public bodies to inhibit citizens' access to public information.

Civil society activists and government officials have a shared understanding that this commitment deals with further lobbying and the successful adoption of the draft law, which was initiated by the civil society organisations (CSOs) in May 2011 and provides

for amendments and updates to four codes and 53 laws of Ukraine. Besides legislation harmonisation itself, this draft law also had a number of other derivative innovations, such as obligatory Internet publication of all information dealing with privatisation matters; establishment of the right to attend open sessions of the Parliament and local councils provided not only to the accredited journalists, but also for any person in accordance with the Constitution; obligatory publication and provision of all information dealing with requests to the natural monopolies and financial institutions; establishment of the right of free access to state statistics, even if it is commissioned by private entities; and the like.[1]

The government processed the draft law together with civil society experts and brought it to the Parliament in May 2012 (draft law 0947). The last days of the parliamentary work before scheduled elections saw this draft law adopted in the first reading in September 2012.

While preparing this draft law for its second reading, the parliamentary committee aided by the civil society experts and activists managed to include a number of amendments that could increase the reforming potential of the law and solve existing practical problems. Among such amendments, one could mention the prohibition to label any information in urban development plans of the cities as classified, regulations reinforcing obligations on the openness of the local councils decisions, etc.[2]

However, the second reading of the draft has not happened yet. The decision to include the draft law on the Parliament's agenda was taken in April 2013; in late October and early November 2013, the draft law made it onto Parliament's weekly schedules. Nevertheless, the deputies never managed to start discussion on it.[3]

Did it matter?

The interviewed government representatives and civil society experts believed that draft law 0947 is one of the greatest priorities in lobbying on public access to information issues. The work that has been done since May 2012 is a considerable step forward towards legislation guaranteeing citizens' rights to obtain public information and solving a great number of the practical problems interfering with the realisation of this right.

Constant efforts on lobbying for this draft law and for other civil society advocacy events have made public information access a permanent priority in the eyes of Ukrainian politicians.

Moving forward

The IRM researchers observed that the most active efforts for adoption of this draft law have come from interested journalists and civil society. In the opinion of interviewed civil society experts, national authorities that are responsible for supporting the draft law perform their activities ineffectively.[4] Conversely, the interviewed national authorities responsible for the support of the draft law placed the blame on Parliament. The opposition in Parliament places blame on the ruling party for not supporting this draft.

Obviously, the implementation of this commitment needs increased lobbying efforts by all interested parties, including the responsible authorities and interested CSOs.

---

[1] Telekritika, "Journalists encourage deputies to adopt a project that will enhance the law on access to information," 18 Oct. 2013, http://www.telekritika.ua/pravo/2013-10-18/86839?theme_page=20&.
[2] Telekritika, "Journalists encourage deputies to adopt a project that will enhance the law on access to information," 18 Oct. 2013, http://www.telekritika.ua/pravo/2013-10-18/86839?theme_page=20&.

[3] Verkhovna Rada of Ukraine, Draft of the law regarding changing of legislation in accordance with Laws of Ukraine "On Information" and "Access to Public Information" (2 Apr. 2013), http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=45130.

[4] Civic Partnership, Civil Society Monitoring Report of Open Government Partnership Implementation (Kyiv: 2013), http://www.ogp.gov.ua/sites/default/files/monitoring/First%20year_cs_19_07_2013.pdf.

6. By-laws on Access to Information

Adoption of regulations necessary for implementing Law of Ukraine "Access to Public Information."

Commitment Description		
Answerability	**Lead institution**	State Committee on Archives
	Supporting institutions	State Committee on TV and Radio Broadcasting of Ukraine, Central Executive Government Organs, Ministry of Justice
	Point of contact specified?	No
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but it does not contain specific milestones or deliverables.)
Relevance	**OGP grand challenges**	Increasing Public Integrity

	OGP Values	**Access to Information**	**Civic Participation**	**Accountability**	**Tech & Innovation for Trans. & Acc.**	**None**
		✓				

Ambition	
New vs. pre-existing	**Potential impact**
Pre-existing	Minor (The commitment is an incremental but positive step in the relevant policy area.)

Level of completion		
Start date: July 2012	**Actual completion**	Limited
End date: December 2012	**Projected completion**	Complete
Next steps	Further work on basic implementation	

What happened?

This commitment tasks the State Committee of Archives in co-operation with the Ministry of Justice and State Committee on TV and radio broadcasting were tasked with developing instructions on document management for dealing with public information requests and other by-laws (see commitment 7). At the current stage, authorities have frozen the work since they believe that all of these documents need to be harmonized with the legislative amendments described in the previous commitment, which have yet to be adopted.

In fulfilling this commitment, some public bodies have developed their own instructions for how to manage public information requests.[1]

Did it matter?

The government's OGP progress report is not clear on whether the changes to the draft version of the standard instructions developed by the government are considerable or not. Stakeholders considered the work performed in this respect to be poor. The interviewed civil society activists claimed that the government could have initiated more changes in by-laws. Similarly, the completed changes simply update the terms used in the instructions to correspond with the terms used in the law, but they do not remove any contradictions between the law and the instructions.

In particular, the drafted instructions omit the regulations on the so-called three-component test provided for by the On the Access to the Public Information Law. This test includes three specific criteria that the information contained in a document has to meet to justify limiting access to it.[2] Without changing current instructions, officials can deny access to information even if there is corresponding public need.

Moving forward

To implement this commitment, it is first necessary to adopt the laws described in commitment 5. This will remove any existing formal barriers to adopting respective by-laws and will allow civil society and interested experts to finalize the development of the corresponding legislation and lobby for its adoption. To ensure that problems are actually resolved when adopting respective by-laws, it is very important for the government to work jointly with civil society activists. The IRM researchers recommend that co-operation on this commitment should be more active within the relevant working group of the co-ordinating council on OGP initiative implementation in Ukraine.

One of the basic practical problems with the legislation lies with the discretionary interpretation provided to authorities to classify information as public or internal-use-only information. It is quite clear that it is necessary to provide public servants with methodological guidelines (see commitment 7) to explain and facilitate information classification procedures and to hold special trainings for them. For this reason, the success of this commitment also depends on the implementation of commitment 7.

However, according to existing monitoring, public bodies that respond to public information requests generally follow basic legal norms in an effective manner. According to the government's report, the rate of public information request denials was 3 percent. According to the civil society monitoring, 91 percent of the regional administrations and 79 percent district administrations respond to information requests within the time limits provided by the law.[3]

---

[1]This includes the Ministry of Defense, National Commission on Financial Services Market, Administration of the State Border Guard Service, Ministry of Ecology and Natural Resources of Ukraine, and the Ministry of Finance. Civic Partnership, Civil Society Monitoring Report of Open Government Partnership Implementation (Kyiv: 2013), http://www.ogp.gov.ua/sites/default/files/monitoring/First%20year_cs_19_07_2013.pdf.

[2] Civic Partnership, Civil Society Monitoring Report of Open Government Partnership Implementation (Kyiv: 2013), http://www.ogp.gov.ua/sites/default/files/monitoring/First%20year_cs_19_07_2013.pdf.

[3] Government of Ukraine, Report of Open Government Partnership Implementation (Kyiv: Oct. 2013), http://www.ogp.gov.ua/sites/default/files/reports/3%D0%B2%D1%96%D1%82_OGP_2013.pdf.

7. Guidelines for Classifying Data

Drafting, in collaboration with members of the public, guidelines for classifying data as restricted by agencies of authority and local government bodies.

Commitment Description							
A ns w er ab ili ty	**Lead institution**	None					
	Supporting institutions	None					
	Point of contact specified?	No					
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but it does not contain specific milestones or deliverables.)					
R el ev an ce	**OGP grand challenges**	Increasing Public Integrity					
	OGP Values	**Access to Information**	**Civic Partici pation**	**Accounta bility**	**Tech & Innovation for Trans. & Acc.**	**None**	
		✓					

Ambition		
New vs. pre-existing	**Potential impact**	
Pre-existing	Minor (The commitment is an incremental but positive step in the relevant policy area.)	

Level of completion		
Start date: July 2012	**Actual completion**	Limited
End date: August 2012	**Projected completion**	Complete
Next steps	Further work on basic implementation	

What happened?

Implementation of this commitment was not reflected separately in the detailed Ukrainian OGP action plan that was approved by the government in July 2012. Thus, it is not clear which institution is responsible for its implementation.

The task of the State Committee of Archives in co-operation with the Ministry of Justice and other central government bodies was to develop a manual on managing, saving, and using classified documents. This work is not finished yet, as authorities believe that the manual needs to be harmonized with draft law 0947 after its adoption.[1] As a result, civil society activists report that their involvement in development of this document has been very limited.

According to government comments, currently almost each government body passed lists of classified information and about 70 government bodies issued internal instructions on how to register, save and use documents with classified information.

In other spheres, development of methodological guidelines was more successful. The Secretariat of Cabinet of Ministers issued a booklet called "Consideration of Citizens' Information Requests and Their Processing: Comparative Analysis" and filmed a video on providing access to public information of the Cabinet of Ministers. The government has held 27 roundtables; working groups, webinars, and seminars on organisation of access to public information have been held for civil society experts and authorities. Besides, developers created a web platform "Community on the Implementation Practice of the Law of Ukraine: On Access to Public Information" (http://www.api-platform.in.ua), although this address was not available at the time of preparation of this report.[2] However, this work is not directly linked to the adopted commitment.

Did it matter?

Development of methodological and educational materials, as well as organisation of communication and consultations based on such experience, seems to be an important tool for advancing practice on access to public information. Stakeholders see such work as having considerable potential for changing public servants' attitude to providing public services. It also teaches them new skills necessary for their work. However, work on creation of the guidelines for classifying data is still in the process.

Moving forward

Generally, interviewed experts agreed that the government should implement this commitment further. After developing the above-mentioned guidelines, there is also a need to organize systematic activities on training and exchange of experiences for government officials dealing with information requests and information classification. Guidelines and training activities should address current problematic issues that are identified by independent and government experts.

---

[1] Civic Partnership, Civil Society Monitoring Report of Open Government Partnership Implementation (Kyiv: 2013),
http://www.ogp.gov.ua/sites/default/files/monitoring/First%20year_cs_19_07_2013.pdf.
[2] Government of Ukraine, *Report of Open Government Partnership Implementation* (Kyiv: Oct. 2013),
http://www.ogp.gov.ua/sites/default/files/reports/3%D0%B2%D1%96%D1%82_OGP_2013.pdf.

8. Public Information Recording Systems

Drafting an action plan for introduction of a public information recording system within state authorities, local self-government bodies.

Commitment Description		
A ns w er ab ili ty	**Lead institution**	None
	Supporting institutions	None
	Point of contact specified?	No
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)
R el ev an ce	**OGP grand challenges**	Increasing Public Integrity
	OGP Values	Access to Information / Civic Participation / Accountability / Tech & Innovation for Trans. & Acc. / None

OGP Values detail	Access to Information	Civic Partici pation	Accounta bility	Tech & Innovation for Trans. & Acc.	None
	✓				

Ambition		
New vs. pre-existing	**Potential impact**	
Pre-existing	Minor (The commitment is an incremental but positive step in the relevant policy area.)	

Level of completion		
Start date: July 2012	**Actual completion**	Complete
End date: December 2012	**Projected completion**	Complete
Next steps	New commitment building on existing implementation	

What happened?

Though this commitment provided only for creation of a plan for public information recording system establishment, the work in this direction has progressed further than expected. Acting on the grounds of the Cabinet of Ministers Enactment No. 1277, "On Public Information Recording Systems," authorities have started to create these systems.

As of September 2013, there were at least five models of a public information recording system in Ukraine. These systems are in place in municipalities of 21 regions, excluding the Autonomous Republic of Crimea, Ivano-Frankivsk, Khmelnytsk, and Mykolaiv regions, and Kyiv City State Administration.[1]

According to the last Government data, 88% of the government bodies created these systems and 78 % of bodies presented public information recording system on their websites.[2] However, civil society experts who were interviewed have a different

perspective. According to them, these systems are in place in only 23 percent of central executive bodies, while 54 percent have lists of public bodies' documents instead of actual systems.[3]

Did it matter?

Establishment of public information recording systems is an important step towards information openness of public authorities. Establishing these systems, as well as timely publication of information, makes public bodies open for citizens.

Moving forward

It is necessary to finalize the implementation of information recording systems in all regions. After this is achieved, the IRM researchers recommend organising a joint government-civil society effort to monitor and assess the efficiency of these systems, their completeness, and functionality.

---

[1] Civic Partnership, Civil Society Monitoring Report of Open Government Partnership Implementation (Kyiv: 2013),
http://www.ogp.gov.ua/sites/default/files/monitoring/First%20year_cs_19_07_2013.pdf.

[2] Government Portal, *Government is being more active working with information requests* (Kyiv: Jan.. 2014), http://www.kmu.gov.ua/control/uk/publish/article?art_id=247005460&cat_id=245633708.2. Government of Ukraine, *Report of Open Government Partnership Implementation* (Kyiv: Oct. 2013), http://www.ogp.gov.ua/sites/default/files/reports/3%D0%B2%D1%96%D1%82_OGP_2013.pdf.

[3] Civic Partnership, Civil Society Monitoring Report of Open Government Partnership Implementation (Kyiv: 2013),
http://www.ogp.gov.ua/sites/default/files/monitoring/First%20year_cs_19_07_2013.pdf.

9. Law on Public Broadcasting

Public discussion on and finalizing the draft law on introduction of public television and radio broadcasting in Ukraine.

Commitment Description		
A ns w er ab ili ty	**Lead institution**	State Committee for Television and Radio Broadcasting of Ukraine
	Supporting institutions	Ministry of Justice, Ministry of Finance
	Point of contact specified?	No
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)
R el ev an ce	**OGP grand challenges**	None
	OGP Values	**Access to Information**	**Civic Partici pation**	**Accounta bility**	**Tech & Innovation for Trans. & Acc.**	**None**
		✓	✓			

Ambition		
New vs. pre-existing	**Potential impact**	
Pre-existing	Minor (The commitment is an incremental but positive step in the relevant policy area.)	

Level of completion		
Start date: July 2012	**Actual completion**	Substantial
End date: December 2012	**Projected completion**	Complete
Next steps	Further work on basic implementation	

What happened?

Consistent with this commitment, the government took steps towards publicly discussing and finalizing the draft law "On Public Television and Radio Broadcasting of Ukraine." The law was placed on the official website of the State Committee of Television and Radio Broadcasting in the section "draft laws activity." It was discussed in roundtables and at meetings with participation of the government and civil society experts.

Unfortunately, the government has not synthesized or documented results of these discussions. The government and civil society experts differ in their assessment of its quality. In the opinion of the civil society experts, according to the norms of the present draft law, there is a risk that the future public broadcaster will be politically dependent on the ruling party of the government.[1] They argue that the public broadcaster should be financially and operationally independent from the ruling party, which could be

achieved by securing a specific line in the state budget and introducing specific procedures for appointing the management of the broadcaster.

The work related to this commitment was not limited to organising public discussions. Because Ukraine has related obligations before the European Union, the Cabinet of Ministers submitted this draft law to the Parliament on 12 December 2012, and it was adopted on the first reading on 3 July 2013. During the second reading on 19 September 2013, it was submitted to a re-reading, because the opposition and pro-government majority did not reach a compromise concerning some key issues, especially mechanisms for providing financial and political independence of the public broadcaster.[2]

Did it matter?

Unfortunately, the consultations held by the government did not render the parliamentary discussions easier. In the process of these consultations, involved parties did not reach a compromise, since they couldn't agree on one that could guarantee the passing of the draft law in the parliament in both readings. Due to this, the present draft law remains stuck in the Parliament where the opposition and the governing party conducted additional consultations and study.

Moving forward

To successfully adopt the present draft law and establish the basics for creation of public television, it is necessary to organize effective consultations in the Parliament related to its content involving the government and civil society experts.

It is unlikely that the conflicting views between the representatives of government and opposition will disappear in the process of establishing public television. To minimize their impact on the process and to resolve them in a constructive way, it is necessary to establish a mechanism to co-ordinate the process and monitoring of the agreed steps. This mechanism should include representatives of the public authorities, opposition, and civil society.

---

[1] Civic Partnership, Civil Society Monitoring Report of Open Government Partnership Implementation (Kyiv: 2013),
http://www.ogp.gov.ua/sites/default/files/monitoring/First%20year_cs_19_07_2013.pdf.
[2] Verkhovna Rada of Ukraine, Transcript of the plenary session (19 Sept. 2013),
http://iportal.rada.gov.ua/meeting/stenogr/show/5061.html.

10. Public Access to Information in State Registers

Public discussion of implementing a mechanism for free, facilitated and toll-free access, including via the Internet, to information stored in state registers, in particular the immovable property rights register, the register of legal entities and individual entrepreneurs, the register of persons who committed corruption offences, the land registry.

Commitment Description						
Answerability	Lead institution	Ministry of Justice				
	Supporting institutions	State Committee on Archives, Ministry of Economic Development and Trade of Ukraine, Administration of the State Service of Special Communication and Information protection, State Agency on Science, Innovations and Informatisation				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but it does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Increasing Public Integrity				
	OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
		✓				

Ambition		
New vs. pre-existing	Potential impact	
New	Minor (The commitment is an incremental but positive step in the relevant policy area.)	

Level of completion		
Start date: July 2012	Actual completion	Limited
End date: December 2012	Projected completion	Complete
Next steps	Revision of the commitment to be more achievable or measurable	

What happened?

Interviewed civil society experts did not believe that public discussions had taken place on this commitment. Civil society experts monitoring the implementation of the national action plan made a request to the government on this issue, and there was no executive body that said it organized something in this regard.[1] The government report also does not mention any action about this.

However, after adoption of the national action plan, the Parliament and the government took a number of steps to open access to such registers. First, in accordance with the amendments to the anti-corruption legislation, adopted in May 2013 and effective in

2014, citizens can access the Unified State Register of persons who have committed corruption crimes. This information will be published on the website of the Ministry of Justice of Ukraine.[2]

Also, the State Land Agency took action to create a national cadastre system, providing boundaries of land lots on the public cadastre electronic map for the purpose of ensuring free and unhindered access of the public to information about land resources.[3] In January 2013, this website became publicly accessible, while improvements to this work continue. Currently, citizens can access information about the boundaries of separate land lots that are registered in the cadastre, as well as the designation of the land. However, information on the owners of these land lots is currently closed.

Another change in this sphere was the opening in October 2013 of free access to the data of the Register of Legal Entities and Individual Entrepreneurs by the State Register Service of Ukraine. Previously, access to the full version of this register was chargeable and not available via the Internet.[4]

In October 2013, a group of Members of Parliament submitted a draft law that would open information on immovable property. This step initiated discussions in the media concerning the opening of access to the State Register of Material Rights to Immobility and Their Burdens.[5]

Did it matter?

All of these steps initiated in 2013 helped to keep the topic of openness of state registers in the focus of the media and politicians. However, the real changes in this sphere are not so significant. One problem is that citizens and politicians do not trust the idea of openness of the state registers, especially those that fix immovable property rights. Traditionally, this information is seen as "personal," and ordinary people do not like the idea that anyone can find out who owns what. Maybe this is partly because in Soviet times, wealth was regarded as illegal, and in order to preserve the property, one had to hide it from the state. Some lawyers, notaries, and civil servants, who argue that closed registers prevent fraud and protect property owners, support this traditional view.

Moving forward

To ensure progress in providing access to the state registers, the government should ensure that a wider group of stakeholders understands and supports this initiative. A small group of civil society experts is currently working on this issue. In connection with this, implementation of a strong educational and lobbying campaign could explain to stakeholders the advantages of giving them open access to the registers and could allay their fears about the initiative.

---

[1] Civic Partnership, Civil Society Monitoring Report of Open Government Partnership Implementation (Kyiv: 2013), http://www.ogp.gov.ua/sites/default/files/monitoring/First%20year_cs_19_07_2013.pdf.

[2] Government of Ukraine, Report of Open Government Partnership Implementation (Kyiv: Oct. 2013), http://www.ogp.gov.ua/sites/default/files/reports/3%D0%B2%D1%96%D1%82_OGP_2013.pdf.

[3] Government of Ukraine, Report of Open Government Partnership Implementation (Kyiv: Oct. 2013), http://www.ogp.gov.ua/sites/default/files/reports/3%D0%B2%D1%96%D1%82_OGP_2013.pdf.

[4] Civic Partnership, Civil Society Monitoring Report of Open Government Partnership Implementation (Kyiv: 2013), http://www.ogp.gov.ua/sites/default/files/monitoring/First%20year_cs_19_07_2013.pdf.

[5] Khmara, Oleksii, Interview by the authors (Kyiv: 8 Oct. 2013).

11. Extractive Industries Transparency Initiative

Providing for implementation in Ukraine of the Extractive Industries Transparency Initiative (EITI) in compliance with the Initiative criteria.

Commitment Description		
A ns w er ab ili ty	**Lead institution**	Ministry of Energy and Coal Industry
	Supporting institutions	None
	Point of contact specified?	No
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but it does not contain specific milestones or deliverables.)
R el ev an ce	**OGP grand challenges**	More effectively managing public resources

	OGP Values	**Access to Information**	**Civic Participation**	**Accounta bility**	**Tech & Innovation for Trans. & Acc.**	**None**
		✓				

Ambition	
New vs. pre-existing	**Potential impact**
New	Transformative (The commitment entails a reform that could potentially transform "business as usual" in the relevant policy area.)

Level of completion		
Start date: July 2012	**Actual completion**	Complete
End date: December 2012	**Projected completion**	Complete
Next steps	Further work on basic implementation	

What happened?

In October 2012, the Ministry of Energy and Fuel of Ukraine with participation of experts and representatives of CSOs established the multi-stakeholder group on implementation of EITI. As of October 2013, the ministry in co-operation with the multi-stakeholder group submitted a set of documents to enable Ukraine to join the EITI. This includes a work plan on implementation of EITI in Ukraine in 2013 to 2015. The international board approved Ukraine's application on 17 October 2013.[1] Ukraine is now a candidate country and will undergo a validation process to become a full member.

Did it matter?

It is a big step forward for Ukraine to become a candidate to join the EITI. Joining the initiative reduces corruption. The initiative also creates possibilities for Ukrainian

citizens to learn where the government spends the money obtained through extractive industries.

Moving forward

In connection with this progress, it is important that this commitment remain a focus of the co-ordinating council in implementation of the OGP initiative in Ukraine. While EITI in Ukraine initially focuses on the oil and gas sector, over time it may be possible to extend the EITI ideology to the coal industry and other extractive industries in Ukraine, including uranium, iron ore, etc.[2]

Ukraine has to publish its first report on companies' payments and government revenues in gas and oil sector till 17 October 2017. If the report is not published till that date, Ukrainian participation in the initiative will be suspended.[3]

Next reports, which need to be published annually, will cover data on significant payments in other extracting industries.

The assessment of the whole process of implementation of EITI standard in Ukraine will start in two and a half years after the country receives candidate status and has to be performed till October 17 2016.

In connection with this, it is important that this commitment remain a focus of the co-ordinating council in implementation of the OGP initiative in Ukraine.

---

[1] Civic Partnership, Civil Society Monitoring Report of Open Government Partnership Implementation (Kyiv: 2013),
http://www.ogp.gov.ua/sites/default/files/monitoring/First%20year_cs_19_07_2013.pdf.
[2] State Agency of Ukraine for Management of State Corporate Rights and Property, "Ukraine is moving closer to the international standards of the Extractive Industries Transparency" (11 Oct. 2013), http://ppa.gov.ua/press_center/economic_news/38015.
[3] State Agency of Ukraine for Management of State Corporate Rights and Property, "Ukraine is moving closer to the international standards of the Extractive Industries Transparency" (11 Oct. 2013), http://ppa.gov.ua/press_center/economic_news/38015.

C. ANTI-CORRUPTION

12. Law for Controlling Declarations of Public Servants

Implementation of a system of state control, in particular of its institutional mechanism, over declaring assets, income and expenses of public servants, as well as in the sphere of conflict of interests.

Commitment Description						
A ns w er ab ili ty	**Lead institution**	Ministry of Justice				
	Supporting institutions	None				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but it does not contain specific milestones or deliverables.)				
R el ev an ce	**OGP grand challenges**	Increasing public integrity				
	OGP Values	**Access to Information**	**Civic Participation**	**Accounta bility**	**Tech & Innovation for Trans. & Acc.**	**None**
				✓		

Ambition	
New vs. pre-existing	**Potential impact**
Pre-existing	Moderate (The commitment is a major step forward in the relevant policy area, but it remains limited in scale or scope.)

Level of completion		
Start date: July 2012	**Actual completion**	Limited
End date: December 2012	**Projected completion**	Complete
Next steps	Revision of the commitment to be more achievable or measurable	

What happened?

This commitment was partially fulfilled after Parliament adopted the law "On Grounds of Corruption Prevention and Counteraction" on 18 May 2013. The first version of this draft law had been developed by the Ministry of Justice and submitted to the Cabinet of Ministers in March 2013. These amendments provided for the creation of authorized departments of the central and local government bodies, whose duties would be to analyse assets declarations and to exercise control over civil servants' possible conflicts of interest.[1]

In September 2013, the Cabinet of Ministers submitted the draft law "On the Realization of the European Commission Recommendations in the Sphere of the State Anti-

Corruption Policy" (Registry Entry 3312), which envisages further amendments to the control system for public servants' declarations. In particular, this draft law provides for authorized departments to retain control of the conflicts of interest function, while transferring assessment and feasibility control of declarations to the departments of the Ministry of Revenue and Duties of Ukraine. This draft law ensures that there will be administrative liability when deliberately misleading information is included in the declarations.[2]

Did it matter?

The government introduced the declaration control changes in May 2013. These could have a limited impact on monitoring public servants' assets. The basic problem with the adopted changes is that the departments were created within government bodies themselves. This will hardly be effective in controlling the declarations of these very bodies' leaders. The departments will not have enough power or opportunities to assess each declaration's feasibility. According to the government, however, these departments have all capacities to assess possible contradictions between personal and official interest of the civil servants.

The approach envisaged by Draft Law 3312, which would differentiate responsibilities between the authorized departments and Ministry of Revenue and Duties, can partially solve the problem. The taxing bodies have enough expertise on declaration control. However, one interviewed expert suggested that such work would only be possible if a declarations e-registry were created.[3] Maintaining declarations control for all types of public servants on paper and comparing these declarations across the databases of the taxing bodies is physically impossible.

Furthermore, in the spirit of open government, making information public about public servants' declarations can also help to ensure the integrity of the system.

Moving forward

To implement an effective declaration control, each declaration needs to be filled in using e-forms. This approach would solve several problems at once. Firstly, it is a systemic approach to fulfil the national action plan commitment on the availability of the public servants' declarations (see commitment 13). Secondly, the e-database of the public servants' declarations would allow for an organized and systemic, rather than random, control of the declarations by the authorized bodies of power.

The IRM researchers recommend that the co-ordinating council include a commitment in its next OGP action plan to develop a national web portal for public servants' declarations in electronic form. Given the level of computer availability in government bodies, this point should primarily focus on the central government bodies.

Finally, interviewed civil society experts pointed out that the policy should also establish liability for fraudulent information in declarations, in order to ensure the integrity of the declaration control system.

---

[1] Civic Partnership, Civil Society Monitoring Report of Open Government Partnership Implementation (Kyiv: 2013),
http://www.ogp.gov.ua/sites/default/files/monitoring/First%20year_cs_19_07_2013.pdf.
[2] Verkhovna Rada of Ukraine, Draft law "On the Realization of the European Commission Recommendations in the Sphere of the State Anti-Corruption Policy" (23 Sept. 2013),
http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=48484.
[3] Khmara, Oleksii, Interview by the authors (Kyiv: 8 Oct. 2013).

13. Public Declarations of Officials' Assets

Amendment of Law "On Fundamentals of Preventing and Combating Corruption" so as to ensure openness of data relating to property, income and expenditure returns, in particular through publishing details of returns by high-profile officials at public bodies' official web sites and disclosing data from returns of any public officer upon information request.

Commitment Description		
Answerability — Lead institution	None	
Supporting institutions	None	
Point of contact specified?	No	
Specificity and measurability	High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)	
Relevance — OGP grand challenges	Increasing public integrity	

OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
	✓		✓		

Ambition	
New vs. pre-existing	**Potential impact**
Pre-existing	Minor (The commitment is an incremental but positive step in the relevant policy area.)

Level of completion		
Start date: July 2012	**Actual completion**	Limited
End date: December 2012	**Projected completion**	Complete
Next steps	Further work on basic implementation	

What happened?

In May 2013, the government amended the law "On Grounds of Corruption Prevention and Counteraction" in order to make officials' declarations more transparent. First of all, the adopted legislation provided for decreasing the minimum purchase sum that is obligatory for declaration by officials. Earlier the declared minimum was UAH 150 thousand (a little less than USD 20 thousand); later on it was decreased to UAH 80 thousand (around USD 10 thousand). However, a vast majority of civil society experts think this amount is still too high. In most cases, the high threshold for declarations makes this obligation senseless. Secondly, an amendment was made to publicize data on officials' declarations on official websites, in addition to in the newspapers.

Did it matter?

The IRM researchers cannot assess implementation of these amendments at this time, since the new standards for declarations have not yet taken effect. Most of the interviewed stakeholders considered decreasing the minimum declared purchase to be a positive change. However, there is still a need for the law to regulate publication of declarations on official websites, in order to increase its effectiveness in combating corruption.

There is a practical problem, identified in 2013: many officials do not publicize their declarations despite the legal requirement. Besides, the inclusion of personal data (e.g., addresses) in declarations is a formal ground for public bodies to refuse to provide them in citizens' information requests. Furthermore, some officials interpret the law in a manner that they believe they can provide only limited data in these declarations. It is impossible for interested citizens to check whether the data are complete.[1] For example, some politicians did not publish data on their close relatives. It was not clear whether this is because their relatives did not earn anything or because this information was simply excluded from the publication.

Moving forward

Civil society experts interviewed by the IRM researchers identified several steps necessary for complete implementation of this commitment. The government must adopt and enact legal requirements that would clearly specify who is responsible for publication of officials' declarations: the public body they work in or the officials themselves. It is also important to clarify that the publisher must publicize the whole declaration with redacted personal data. Civil society experts also suggested that a third innovation step could be the creation of a web portal with officials' declarations, where officials could fill in and publish the information.[2]

---

[1] Khmara, Oleksii, Interview by the authors (Kyiv: 8 Oct. 2013).
[2] Khmara, Oleksii, Interview by the authors (Kyiv: 8 Oct. 2013).

14. Guidelines on Conflicts of Interest

Drafting and dissemination of practice-oriented recommendations on preventing and addressing conflict of interests.

Commitment Description		
Answerability	**Lead institution**	None
	Supporting institutions	None
	Point of contact specified?	No
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader.)
Relevance	**OGP grand challenges**	Increasing public integrity

	OGP Values	**Access to Information**	**Civic Participation**	**Accountability**	**Tech & Innovation for Trans. & Acc.**	**None**
				✓		

Ambition	
New vs. pre-existing	**Potential impact**
New	Minor (The commitment is an incremental but positive step in the relevant policy area.)

Level of completion		
Start date: July 2012	**Actual completion**	Limited
End date: September 2012	**Projected completion**	Complete
Next steps	Further work on basic implementation	

What happened?

In October 2013, the Ministry of Justice published and disseminated methodological recommendations on "Corruption Prevention and Fight in Central Power Bodies and Local Governments."[1] Chapter 11 of these recommendations comprehensively covers the prevention and regulation of conflicts of interest. These recommendations were published on the Ministry of Justice website; Ministry sent them officially to all government bodies and published in official printed media.

Did it matter?

The fact that the guidelines exist proves that Ukraine is moving toward the fulfilment of this commitment. However, the recommendations were published over one year past the scheduled time. As interviews for the IRM researchers' report were conducted only three weeks after the guidelines' publication, it is difficult to assess their influence and

importance at this time. In addition, the published recommendations cannot be called practical. They do not refer to the most common cases in which conflicts of interest may occur, and they do not give specific suggestions on a proper behaviour in such situations. Rather, the guidelines compile existing legislation on this issue and put it into clearer language.

Moving forward

One should admit that conflicts of interest can not be resolved only through the development of the practical recommendations. Civil society experts believe that additional research on this issue needs to be carried out to develop comprehensive ways of solving the problem: adoption of adequate legislation and by-laws, development of the respective methodological guidelines, and training for public servants.

---

[1] Verkhovna Rada of Ukraine, Methodological recommendations "Corruption Prevention and Fight in Central Power Bodies and Local Governments" (16 Oct. 2013), http://zakon2.rada.gov.ua/laws/show/n0020323-13.

15. Updated Anti-corruption Laws

Introduction to Verkhovna Rada of Ukraine of draft laws on implementation of recommendations made to Ukraine following the 3rd round of GRECO monitoring and monitoring under the OECD Istanbul Action Plan with regard to:

- *Criminalization of corruption offences;*
- *Funding of political parties;*
- *Improvement of provisions regulating forfeiture of property;*
- *Introduction of liability of legal entities for corruption offences;*
- *Strengthening safeguards for protection of persons reporting offences.*

Commitment Description					
A ns w er ab ili ty	**Lead institution**	Ministry of Justice			
	Supporting institutions	National Agency of Civil Service, Ministry of Finance, Central Electoral Committee, Accounting Chamber, central government bodies			
	Point of contact specified?	No			
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but it does not contain specific milestones or deliverables.)			
R el ev an ce	**OGP grand challenges**	Increasing public integrity			
	OGP Values	**Access to Informati on**	**Civic Partici pation**	**Accounta bility**	**Tech & Innovation for Trans. & Acc.**	**None**
				✓		

Ambition	
New vs. pre-existing	**Potential impact**
Pre-existing	Moderate (The commitment is a major step forward in the relevant policy area, but it remains limited in scale or scope.)

Level of completion		
Start date: July 2012	**Actual completion**	Complete
End date: December 2013	**Projected completion**	Complete
Next steps	Maintenance and monitoring of completed implementation	

What happened?

In April and May 2013, the Parliament (the *Verkhovna Rada*) adopted a number of laws aimed at implementation of Group of States Against Corruption's (GRECO) recommendations, provided after its third monitoring round. The government's adoption of this legislation represented a step forward in fulfilling all of the aforementioned commitments, except for the one regarding political parties' financing.

For instance, one of the adopted laws ("On Amendments to Certain Legislative Acts of Ukraine to Harmonize the National Legislation with the Standards of the Criminal Law Convention on Corruption," No. 221 of 18 April 2013) excluded all corruption violations from the Code of Ukraine on Administrative Offences. Thus, all corruption offences are now penal acts. Another law in this package (No. 314 of 25 May 2013) introduced criminal responsibility for legal entities. The law specified a number of corruption offences by a legal entity—such as a private corporation, joint stock company, or government-owned company—that give grounds for introducing sanctions to the legal entity itself. These sanctions are fines. The law will become operative in September 2014.[1]

Furthermore, the law "On Implementation of the State Anti-Corruption Policy" (No. 224 of 18 May 2013), discussed in the context of commitments No. 12 and 13 has been adopted. Among other elements, the law includes whistle-blower protection regulations. A person who reported on somebody else's violation of the basic anti-corruption law cannot be fired or called to administrative responsibility.

Finally, the law "On Amendments to the Criminal and Criminal Procedural Codes of Ukraine to Implement the Action Plan for the European Union Liberalization of the Visa Regime for Ukraine" established a regime of special confiscation for specific corruption offences. This allows the confiscation of money and assets even in cases where they have been given to a third party and the confiscation of the monetary equivalent of assets and valuables in cases where officials have already used them. This law came into effect on 15 December 2013.

Legal amendments on the financing of political parties have moved quite slowly. In June 2013, the Ministry of Justice developed and publicized a draft law that took into account the recommendations of the Venice Commission and the Organisation for Security and Co-operation in Europe regarding the issue of political parties' financing.[2] However, neither the government nor the Parliament has reached a common understanding and consensus regarding this issue.

Did it matter?

The aforementioned amendments have significantly reformed the anti-corruption legislation and resolved several old problems. However, several of these laws are not yet operational, which is why it is difficult to assess their practical results at this time.

Moving forward

Considering that the government is still implementing many of the legislative innovations adopted in the framework of this commitment, it would be reasonable to wait longer to evaluate the full extent of implementation and the overall effect.

One of the unaddressed tasks in this commitment is changing the legislation regarding political parties' financing. The IRM researchers suggest drawing more attention to this problem in the OGP national action plan for 2014–2015. Civil society and government experts claim that it would be impossible to fulfil GRECO recommendations in this sphere without a corresponding advocacy campaign and prior consolidation of opinions of different political forces on the possible content of this law. Mere preparation of draft laws in this sphere will not provide opportunities for their adoption. While the commitment makes public the process and mandate for dealing with anti-corruption, it is also important to make public any of the critical information that citizens would need to ensure that programmes mandated by the law are having their intended effect.

[1] Civic Partnership, Civil Society Monitoring Report of Open Government Partnership Implementation (Kyiv: 2013), http://www.ogp.gov.ua/sites/default/files/monitoring/First%20year_cs_19_07_2013.pdf.
[2] Government of Ukraine, *Report of Open Government Partnership Implementation* (Kyiv: Oct. 2013), http://www.ogp.gov.ua/sites/default/files/reports/3%D0%B2%D1%96%D1%82_OGP_2013.pdf.

16. Regional Anti-corruption Programmes

Development, in collaboration with the public, of regional programs for preventing and combating corruption based on best domestic and international practices.

Commitment Description		
A ns w er ab ili ty	**Lead institution**	Local government administrations
	Supporting institutions	None
	Point of contact specified?	No
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)
R el ev an ce	**OGP grand challenges**	Increasing public integrity
	OGP Values	Access to Information / Civic Participation / Accountability / Tech & Innovation for Trans. & Acc. / None

R el ev an ce	OGP Values	Access to Information	Civic Partici pation	Accounta bility	Tech & Innovation for Trans. & Acc.	None
		✓	✓	✓		

Ambition		
New vs. pre-existing	**Potential impact**	
Pre-existing	Minor (The commitment is an incremental but positive step in the relevant policy area.)	

Level of completion		
Start date: July 2012	**Actual completion**	Substantial
End date: December 2012	**Projected completion**	Complete
Next steps	Further work on basic implementation	

What happened?

According to the government, 22 regional state administrations have developed regional programmes for corruption prevention. The Khmelnytsk and Kyiv Regions have yet to devise programmes. Also, some local government bodies have included separate chapters on preventing and combating corruption as part of broader programmes.[1]

According to CSOs' monitoring, however, only 13 regions have adopted the programmes. Eight regions have developed programmes, but they still have not submitted them for adoption. The regional administrations in two more regions (Odesa and Poltava) have adopted plans on preventing and combating corruption.[2] Furthermore, CSOs outside of the civic councils were not always involved in the development of the regional programmes.

In 2014 the Ministry of Justice is tasked to analyse these programs in cooperation with civil society organizations and to prepare methodological recommendations on their development as well as to access their implementation.

Did it matter?

The regional programmes to prevent and combat corruption have had positive effects on cities and regions where they have been adopted, although this is just the first step in their implementation.

Moving forward

During the IRM researchers' interviews, civil society experts pointed out that after regions adopt and implement the programmes for some period, stakeholders would need to monitor them. For the monitoring to be well balanced in content, it needs to have all interested parties involved: local CSOs, administrations, and members of the Co-ordinating Board on OGP Initiative Implementation representing both the government and society.

[1] Government of Ukraine, *Report of Open Government Partnership Implementation* (Kyiv: Oct. 2013), http://www.ogp.gov.ua/sites/default/files/reports/3%D0%B2%D1%96%D1%82_OGP_2013.pdf.
[2] Civic Partnership, Civil Society Monitoring Report of Open Government Partnership Implementation (Kyiv: 2013),
http://www.ogp.gov.ua/sites/default/files/monitoring/First%20year_cs_19_07_2013.pdf.

17. Law on Competitive E-Government Procurement

Establishment of a mechanism for electronic governmental procurement with a view to ensure transparency and integrity of governmental procurement.

Commitment Description						
Answerability	**Lead institution**	None				
	Supporting institutions	None				
	Point of contact specified?	No				
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)				
Relevance	**OGP grand challenges**	Increasing public integrity				
	OGP Values	**Access to Information**	**Civic Participation**	**Accountability**	**Tech & Innovation for Trans. & Acc.**	**None**
		✓		✓	✓	

Ambition	
New vs. pre-existing	**Potential impact**
Pre-existing	Minor (The commitment is an incremental but positive step in the relevant policy area.)

Level of completion		
Start date: July 2012	**Actual completion**	Limited
End date: December 2012	**Projected completion**	Complete
Next steps	Further work on basic implementation	

What happened?

In June 2012, the Parliament adopted the law "On Amendments to the Law of Ukraine on Government Procurement" concerning the introduction of an electronic reverse auction process for procurement.[1] According to the law, the Cabinet of Ministers of Ukraine must establish rules on how to select companies competitively that will operate these auctions.

On February 2014 Government passed its Resolution "On the Adoption of the Organisation and Competitive Selection Procedure for the E-Platforms and E-Platforms Operators" Resolution requires that competitive selection of the e-platforms be held at least once every three years. Competitive selection means that there must be at least three bids. The announcement for the competitive selection must be published by a commission, created by the Ministry of Economy, on its web portal at least 20 days before the selection.[2]

Did it matter?

The experts interviewed by the IRM researchers had differing views on the potential effectiveness of the electronic reverse auctions in fighting corruption in Ukraine. Some pointed out that neighbouring countries have experienced situations where the change of forms for government procurement has not reduced corruption. In these countries, electronic government procurement was no more effective at combating corruption than off-line procedures. Other experts claimed that e-auctions do have a considerable anti-corruption effect if they are organized properly.

The government's steps toward the fulfilment of this commitment have not brought any practical results yet, due to the fact that a number of by-laws are necessary in order for e-auctions to start working. The Cabinet of Ministers will draw up and adopt these measures.

Moving forward

It is necessary to keep working to implement this commitment. In order for it to have the intended anti-corruption effect, it would be useful to study the experiences of neighbouring countries prior to the introduction of the electronic reverse auctions. The government should also implement the relevant amendments to the regulations on procedures for holding such auctions. In this way, the chances to gain positive results will improve.

---

[1] An "electronic reverse auction" is a web-based auction process that allows buyers to solicit and collect bids from sellers for commercial items in real-time by posting requirements and receiving decreasing incremental bids from sellers.

[2] State Administration of Ukraine for Regulatory Policy and Entrepreneurship Development, "Mechanism of electronic reverse auctions in public procurement has been improved" (9 Sept. 2013), http://www.dkrp.gov.ua/info/2168.

D. IMPROVED ADMINISTRATIVE SERVICES

18. Anti-corruption Measures in Administrative Services

Take steps aiming to regulate, by means of legislation, the delivery of administrative services.

Commitment Description						
A ns w er ab ili ty	**Lead institution**	Ministry of Economic Development and Trade of Ukraine				
	Supporting institutions	Ministry of Justice				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but it does not contain specific milestones or deliverables.)				
R el ev an ce	**OGP grand challenges**	Improving public services				
	OGP Values	**Access to Information**	**Civic Participation**	**Accountability**	**Tech & Innovation for Trans. & Acc.**	**None**
				✓		

Ambition	
New vs. pre-existing	**Potential impact**
Pre-existing	Transformative (The commitment entails a reform that could potentially transform "business as usual" in the relevant policy area.)

Level of completion		
Start date: July 2012	**Actual completion**	Complete
End date: December 2012	**Projected completion**	Complete
Next steps	New commitment building on existing implementation	

What happened?

Ukraine adopted the law "On Administrative Services" on 6 September 2012. It entered into force on 7 October 2012; however, the entry of some provisions was postponed until 1 January 2013 and others postponed until 1 January 2014.[1]

Did it matter?

The adopted law has a significant meaning for providing administrative services, as it includes a range of important innovations. It envisages the creation of a unified state portal of administrative services (where citizens can apply for services) and a register of administrative services (where citizens can access information about all available

administrative services). The law envisages the possibility of providing administrative services and their payment by means of electronic connection. The law also envisages the creation of local centres for providing administrative services that will provide the most popular administrative services, as determined by the Cabinet of Ministers.[2]

The majority of the interviewed experts recognized that the adoption of the present law is a breakthrough in the reform of the administrative services.[3] In particular, it may help to eliminate corruption in this sphere and to create more accountable public agencies that provide these services.

Moving forward

Regardless of the importance of the new law "On Administrative Services," there is a need for further law making to address the current practical problems and create an ideology of reform of administrative services.

According to civil society experts, the issue of establishing fees for administrative services needs to take into account a number of factors. It is necessary to adopt the law "On Administrative Fees" to determine the criteria of fees for administrative services, the procedures for determining the size of administrative fees for the special administrative services, and the procedures of payment and use of the obtained funds. Civil society experts also insisted that it is necessary to approve the administrative and procedural code of Ukraine, which will decrease the level of discretion in the procedures of administrative services delivery.[4]

[1] The Law of Ukraine "On Administrative Services," adopted 25 Aug. 2013, http://zakon1.rada.gov.ua/laws/show/5203-17.
[2] Government of Ukraine, *Report of Open Government Partnership Implementation* (Kyiv: Oct. 2013), http://www.ogp.gov.ua/sites/default/files/reports/3%D0%B2%D1%96%D1%82_OGP_2013.pdf.
[3] Tymoschuk, Victor, Interview by the authors (Kyiv: 2 Oct. 2013).
[4] Tymoschuk, Victor, Interview by the authors (Kyiv: 2 Oct. 2013).

19. Electronic Access to Administrative Services

Developing a regulatory framework for enabling access to information about services provided by government agencies and local self-government bodies via communication tools.

Commitment Description		
Answerability	**Lead institution**	Ministry of Economic Development and Trade of Ukraine
	Supporting institutions	State Agency of Science, Innovations and Informatisation of Ukraine, State Service for Special Communication and Information Protection
	Point of contact specified?	No
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)
Relevance	**OGP grand challenges**	Improving public services

OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
	✓				

Ambition		
New vs. pre-existing	**Potential impact**	
Pre-existing	Minor (The commitment is an incremental but positive step in the relevant policy area.)	

Level of completion		
Start date: July 2012	**Actual completion**	Complete
End date: December 2012	**Projected completion**	Complete
Next steps	New commitment building on existing implementation	

What happened?

The Cabinet of Ministers of Ukraine has adopted a range of resolutions concerning the register of administrative services (Resolution No. 57 as of 30 January 2013) and the unified state portal of administrative services (No. 13 as of 3 January 2013). By using these tools, citizens can obtain information on administrative services, application forms, and other documents that must be filled out when receiving the service. Eventually, this portal is intended to allow the submission of applications and payments, as well as receipt of services online.

Did it matter?

In general, the adoption of corresponding bylaws is a necessary step to create the instruments for providing electronic information on administrative services. However, significant work is still needed to implement the system.

Moving forward

In the opinion of one interviewed expert, the next step in the implementation of this commitment should be to improve the functioning of the unified state portal of administrative services.[1] Interviewed experts from civil society also insisted that the action plan should focus not only on the adoption of bylaws, but also on the performance of the unified state portal of administrative services.

---

[1] Tymoschuk, Victor, Interview by the authors (Kyiv: 2 Oct. 2013).

20. Governmental Web Portal of Administrative Services

Launching a single governmental web portal giving access to administrative services.

Commitment Description		
Answerability	**Lead institution**	Ministry of Economic Development and Trade of Ukraine
	Supporting institutions	State Agency of Science, Innovations and Informatisation of Ukraine, State Service for Special Communication and Information Protection
	Point of contact specified?	No
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)
Relevance	**OGP grand challenges**	Improving public services

	OGP Values	**Access to Information**	**Civic Participation**	**Accountability**	**Tech & Innovation for Trans. & Acc.**	**None**
		✓			✓	

Ambition	
New vs. pre-existing	**Potential impact**
Pre-existing	Minor (The commitment is an incremental but positive step in the relevant policy area.)

Level of completion		
Start date: July 2012	**Actual completion**	Limited
End date: December 2012	**Projected completion**	Complete
Next steps	Further work on basic implementation	

What happened?

The government created the pilot version of the unified state portal of administrative services (http://poslugy.gov.ua) in 2012. The pilot envisages providing access to information on administrative services, government bodies' services, addresses of centres for providing the services, and corresponding regulations.

Did it matter?

Unfortunately, the functionality of the portal is not high at present. It is impossible to register on the website, though the corresponding form exists. The information is not available in all sections of the website. The current grouping of services on the main page of the portal makes it difficult to find the services without an additional search for the service name.

At present the portal is working as an informational and reference system without a real possibility to apply for services, pay for them, and receive the results of the application. Implementers have postponed the performances of some functions, which should be

working as required by the law. For example, the portal should allow citizens to download forms that need to be filled in to receive administrative services. In addition, the portal should allow citizens to submit an application for receiving the administrative service. These functions are not available.[1]

Also, by January 2014, the government was unable to launch functions that allow for review of the status of applications, for receiving the services via electronic channels, or for submitting payments for administrative services.

Moving forward

According to the interviewed experts, the present portal has the potential to become an important element of the system for providing administrative services. However, the corresponding body needs to invest considerable resources for its improvement in order to achieve its purpose.[2] Civil society experts do not know how they can help the government to implement this commitment. The IRM researchers recommend that the Ministry of Economy should commit enough financial and intellectual resources to improve functionality of the portal in 2014.

---

[1] Civic Partnership, Civil Society Monitoring Report of Open Government Partnership Implementation (Kyiv: 2013),
http://www.ogp.gov.ua/sites/default/files/monitoring/First%20year_cs_19_07_2013.pdf.
[2] Khmara, Oleksii, Interview by the authors (Kyiv: 8 Oct. 2013).

21. Administrative Services in a Digital Format

Introduction of administrative services in a digital format.

Commitment Description		
A ns w er ab ili ty	**Lead institution**	Ministry of Economic Development and Trade of Ukraine
	Supporting institutions	State Agency of Science, Innovations and Informatisation of Ukraine, State Service for Special Communication and Information Protection, central and local government bodies
	Point of contact specified?	No
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)
R el ev an ce	**OGP grand challenges**	Improving public services
	OGP Values	Access to Information / Civic Participation / Accountability / Tech & Innovation for Trans. & Acc. / None

OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
	✓			✓	

Ambition		
New vs. pre-existing	**Potential impact**	
Pre-existing	Moderate (The commitment is a major step forward in the relevant policy area, but it remains limited in scale or scope.)	

Level of completion		
Start date: July 2012	**Actual completion**	Limited
End date: December 2013	**Projected completion**	Complete
Next steps	Further work on basic implementation	

What happened?

In accordance with Article 17 of Ukraine's law "On Administrative Services," administrative services must be provided in electronic format via the unified state portal of administrative services, effective 1 January 2014. In practice, the government has not implemented this.

Did it matter?

It is unclear how the implemented measures can provide administrative services via electronic channels. The government should implement many practical steps in order to launch a fully functional portal. However, as the interviewed officials indicated, the Ministry of Economic Development was not able to provide the full functionality of the portal in 2013 because of the absence of necessary financing.

Moving forward

In addition to allocating the earmarked financing for completion of the unified state portal of administrative services, government representatives should pay attention to that fact that the performance of this commitment depends on the implementation of a system of data exchange between different state registers. These tasks are the first priority for further implementation of this commitment.

22. Regional Administrative Service Centres

Establishment of administrative service centres in all Ukraine's regions.

Commitment Description		
A ns w er ab ili ty	**Lead institution**	None
	Supporting institutions	Cabinet of Ministers of Autonomous Republic of Crimea, Regional government administrations, Administrations of Kyiv and Sevastopol
	Point of contact specified?	No
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)
R el ev an ce	**OGP grand challenges**	Improving public services
	OGP Values	Access to Information / Civic Participation / Accountability / Tech & Innovation for Trans. & Acc. / None

OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
	✓				

Ambition	
New vs. pre-existing	**Potential impact**
Pre-existing	Transformative (The commitment entails a reform that could potentially transform "business as usual" in the relevant policy area.)

Level of completion		
Start date: July 2012	**Actual completion**	Substantial
End date: December 2013	**Projected completion**	Complete
Next steps	New commitment building on existing implementation	

What happened?

To improve the accessibility and convenience of services for citizens, it is planned to create centres for providing administrative services in cities and districts.[1] According to government representatives, 419 centres for providing administrative services were established in the regions of Ukraine during the OGP reporting period, and their number is constantly increasing. The government envisaged, state support for the regions in 2013 in the amount 50 million UAH for creation of centres for providing administrative services and their appropriate equipment.

The Ministry of Economic Development prepared the regulation draft of a list of administrative services, which are provided via the centres. The draft lists 50 administrative services that are currently provided by seven central government bodies and include the most frequently requested services by citizens and business entities. It is also envisaged that businesses will be able to receive permits and other services at the centres.

Did it matter?

Establishing such centres is one of the key tasks in reforming administrative services in Ukraine. Increasing their number is a clearly positive result. Corruption is widespread among administrative services delivery in Ukraine. Having predictable, transparent administrative service centres can help to reduce corruption around the providing of these services. However, as civil society experts have observed, there are some problems that seriously hinder progress towards this commitment.

First, financing for establishing the centres is not always efficient and transparent. As a result, the absence of funds has affected implementation in some regions. In 2013, 20 million UAH were allocated by the Ministry of economic development for establishing regional centres for providing administrative services, with 10 million provided for Luhansk and 10million provided for seven other regions.[2]

Second, the development of the centres is hindered by the absence of an approved list of administrative services that are provided via these centres. Without this list, the newly established centres cannot provide citizens with services they demand. As a result, though such centres are formally established, the number of the citizens who can benefit from them is very small.[3]

Moving forward

To provide more transparent, accountable, and efficient administrative services, the government should first approve the list of the administrative services that are delivered via the centres. This list should include the most popular administrative services, such as registration of civil status, registration of place of residence, issuance of passports, registration of business entities, registration of immovable property, registration of vehicles, and issuance of driver licenses.[4]

---

[1] Government of Ukraine, *Report of Open Government Partnership Implementation* (Kyiv: Oct. 2013), http://www.ogp.gov.ua/sites/default/files/reports/3%D0%B2%D1%96%D1%82_OGP_2013.pdf.
[2] Civic Partnership, Civil Society Monitoring Report of Open Government Partnership Implementation (Kyiv: 2013), http://www.ogp.gov.ua/sites/default/files/monitoring/First%20year_cs_19_07_2013.pdf.
[3] Tymoschuk, Victor, Interview by the authors (Kyiv: 2 Oct. 2013).
[4] Tymoschuk, Victor, Interview by the authors (Kyiv: 2 Oct. 2013).

E. E-GOVERNANCE

23. Programme for Promotion of E-Government

Design and development, in cooperation with the public, of a Program for Promotion of E-Government.

Commitment Description		
A ns w er ab ili ty	**Lead institution**	State Agency on Science, Innovations and Informatisation
	Supporting institutions	Ministry of Justice, other central government bodies
	Point of contact specified?	No
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but it does not contain specific milestones or deliverables.)
R el ev an ce	**OGP grand challenges**	None
	OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
						✓

Ambition	
New vs. pre-existing	**Potential impact**
Pre-existing	Minor (The commitment is an incremental but positive step in the relevant policy area.)

Level of completion		
Start date: July 2012	**Actual completion**	Withdrawn
End date: December 2012	**Projected completion**	Complete
Next steps	Revision of the commitment to be more achievable or measurable	

What happened?

According to the Cabinet of Ministers' Order No. 640 of 28 August 2013, this commitment was excluded from the Action Plan at the request of the State Agency for Science, Innovation, and Informatisation. The reason for that was adoption of the Strategy for Information Society Development in Ukraine by the Cabinet of Ministers on 15 May 2013. This strategy was developed in co-operation with high profile civil society and international organisations. However, the strategy does not provide for financial support.

Did it matter?

This commitment shows the drawbacks of the process by which the government developed the OGP action plan, as far as there was a lack of time for its co-ordination with other policy documents in the related spheres.

The aforementioned Strategy for Information Society Development is of great importance, as it outlines a general commitment for an information technology policy in governance in the short run. However, the problem with this document is that it is not substantiated by any correspondent financial obligations on behalf of the state, and this fact makes implementation difficult.

Moving forward

Civil society experts believe that implementation of the Strategy for Information Society Development could move faster if the strategy were supported with financing, as well as appointment of a central public body with enough authority to co-ordinate implementation of this commitment.[1]

---

[1] Civic Partnership, Civil Society Monitoring Report of Open Government Partnership Implementation (Kyiv: 2013),
http://www.ogp.gov.ua/sites/default/files/monitoring/First%20year_cs_19_07_2013.pdf.

24. Electronic Collaboration between Executive Agencies

Implementation of an electronic system of collaboration between executive agencies.

Commitment Description		
A ns w er ab ili ty	**Lead institution**	State Agency on Science, Innovations and Informatisation
	Supporting institutions	Ministry of Justice, other central government bodies
	Point of contact specified?	No
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)
R el ev an ce	**OGP grand challenges**	None
	OGP Values	Access to Information	Civic Partici pation	Accounta bility	Tech & Innovation for Trans. & Acc.	None
						✓

Ambition		
New vs. pre-existing	**Potential impact**	
Pre-existing	Minor (The commitment is an incremental but positive step in the relevant policy area.)	

Level of completion		
Start date: July 2012	**Actual completion**	Substantial
End date: October 2012	**Projected completion**	Complete
Next steps	Further work on basic implementation	

What happened?

The government has successfully implemented this commitment so far. According to the Cabinet of Ministers' Resolution No. 670 of 18 July 2012, the government approved the Regulations of the System of Electronic Cooperation with Executive Bodies. It also launched the system in late 2012, and 82 state bodies are now in the system. The most active ones are the Ministry of Justice; the State Agency for Science, Innovation, and Informatisation; and the Ministry of Foreign Affairs. The system uses the single electronic signature, which is the electronic means to identify persons. According to Ukrainian law, this signature has the same legal consequences as a traditional signature.[1]

Did it matter?

Establishing this system and involving a growing number of central executive bodies has contributed successfully to e-governance implementation in Ukraine. However, the problem in evaluating this commitment is that this system involves co-operation among

officials only, without any direct relation to regular citizens.[2] Indeed, establishment of this system will make the governmental mechanism of approvals, mailing, and receiving replies quicker. Yet the system will not contribute much to the establishment of more transparent and accessible mechanisms of administrative services delivery. As such, this commitment has not directly advanced OGP principles.

Moving forward

The IRM researchers recommend putting this system of electronic collaboration work, in full force. If fully implemented, it will give most of the officials new skills of working with electronic documents, change their attitude towards e-governance, and make the circulation of documents among public bodies more efficient.

However, after having established this system, further attention should be paid to organising information exchange between the existing state registers. This will help practically implement several important principles of administrative services reform. First of all, citizens should be able to provide the state with the full amount of documents only once, and after that, state bodies should exchange the citizens' documents when providing citizens with any kind of service. Second, this system should allow citizens to receive administrative services electronically.

---

[1] Civic Partnership, Civil Society Monitoring Report of Open Government Partnership Implementation (Kyiv: 2013),
http://www.ogp.gov.ua/sites/default/files/monitoring/First%20year_cs_19_07_2013.pdf.
[2] Arkhypska, Olesya, Interview by the authors (Kyiv: 18 Oct. 2013).

25. Web-Based Petitions System

Development and implementation of a unified single data web platform enabling citizens to file petitions and information requests with government agencies and local self-government bodies.

Commitment Description		
A ns w er ab ili ty	**Lead institution**	State Agency on Science, Innovations and Informatisation
	Supporting institutions	Ministry of Justice, other central government bodies
	Point of contact specified?	No
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)
R el ev an ce	**OGP grand challenges**	Improving public services

	OGP Values	**Access to Information**	**Civic Partici pation**	**Accounta bility**	**Tech & Innovation for Trans. & Acc.**	**None**
				✓	✓	

Ambition	
New vs. pre-existing	**Potential impact**
New	Moderate (The commitment is a major step forward in the relevant policy area, but it remains limited in scale or scope.)

Level of completion		
Start date: July 2012	**Actual completion**	Substantial
End date: October 2012	**Projected completion**	Complete
Next steps	Further work on basic implementation	

What happened?

In 2012, the government opened a prototype of the unified information web-resource of citizens' applications to the public and local authorities (http://z.gov.ua). Registration of users requires using an electronic digital signature. The government is also taking measures to operationalize this resource and develop the supporting regulatory system.[1]

In addition to online work, measures were taken which do not directly implement this commitment, but complement it. Implementers of this commitment have conducted work to create a national system of processing the applications to the public authorities. This system unites regional contact centres to ensure by means of telecommunication (e.g., telephone and Internet) prompt consideration of requests from citizens, enterprises, establishments and organisations, individual entrepreneurs, and local self-governing authorities. In 2012, the government launched the website of the state

institution government contact centre (www.ukc.gov.ua). Through this website, one can send his or her application to the government hotline without using digital signature.

Did it matter?

The problem with this system, as with others that are entering into service, is that they are not widespread. Such systems demand that citizens use the Internet actively. As a result, the advantages that these systems provide to citizens remain limited.[2]

Moving forward

To fully implement this commitment, it is necessary to fully operationalize the portal, which means adopting a number of regulatory measures and passing the necessary certifications. Work directed towards spreading Internet services among citizens is equally important.

---

[1] Government of Ukraine, *Report of Open Government Partnership Implementation* (Kyiv: Oct. 2013), http://www.ogp.gov.ua/sites/default/files/reports/3%D0%B2%D1%96%D1%82_OGP_2013.pdf.
[2] Khmara, Oleksii, Interview by the authors (Kyiv: 8 Oct. 2013).

26. One Stop Shop for E-Reporting

Development and ensuring operation of an automated system named "One Stop Shop for E-Reporting."

Commitment Description		
A ns w er ab ili ty	**Lead institution**	State Agency on Science, Innovations and Informatisation
	Supporting institutions	None
	Point of contact specified?	No
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)
R el ev an ce	**OGP grand challenges**	Improving public services
	OGP Values	Access to Information / Civic Participation / Accountability / Tech & Innovation for Trans. & Acc. / None
		✓ (Tech & Innovation for Trans. & Acc.)

Ambition	
New vs. pre-existing	**Potential impact**
Pre-existing	Transformative (The commitment entails a reform that could potentially transform "business as usual" in the relevant policy area.)

Level of completion		
Start date: July 2012	**Actual completion**	Limited
End date: April 2013	**Projected completion**	Complete
Next steps	Further work on basic implementation	

What happened?

This system is intended to improve the process by which business enterprises report to the government on a quarterly basis. The government reported that it created only the first line of this system in 2012. Specifically, the government created a plan and developed a number of documents that determine the requirements of such a system. The first stage of the plan connects relevant divisions of the Ministry of Income and Duties and of the Pension Fund to the system, since these are the major government bodies handling business reports.[1]

Did it matter?

Introduction of such a reporting system could become a significant resource for legal entities and individuals who are conducting business activities. Decreasing interaction between business people and officials also has a serious anti-corruption potential. To be effective, however, such a system would need to resolve all issues with the current

efforts to submit the reporting in electronic version (e.g., overloading of channels, frequent system crashes, lack of formal acknowledgement of reports received).

Moving forward

The IRM researchers suggest that the performance of this commitment should be actively controlled by the co-ordinating council, during the implementation of the next national action plan. Furthermore, the performance of this commitment should be divided into several milestones, so that officials and civil society activists can monitor the implementation of this system.

---

[1] Government of Ukraine, *Report of Open Government Partnership Implementation* (Kyiv: Oct. 2013), http://www.ogp.gov.ua/sites/default/files/reports/3%D0%B2%D1%96%D1%82_OGP_2013.pdf.

27. E-Region Pilot Project

Launching a pilot "E-Region" project, in particular "Electronic Dnipropetrovsk Region."

Commitment Description		
A ns w er ab ili ty	**Lead institution**	Local government administrations
	Supporting institutions	None
	Point of contact specified?	No
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader.)
R el ev an ce	**OGP grand challenges**	Improving public services

	OGP Values	**Access to Information**	**Civic Participation**	**Accountability**	**Tech & Innovation for Trans. & Acc.**	**None**
		✓			✓	

Ambition		
New vs. pre-existing	**Potential impact**	
Pre-existing	Moderate (The commitment is a major step forward in the relevant policy area, but it remains limited in scale or scope.)	

Level of completion		
Start date: July 2012	**Actual completion**	Limited
End date: December 2013	**Projected completion**	Complete
Next steps	Further work on basic implementation	

What happened?

During the process of implementing this commitment, the government decided to launch the project not only in the Dnipropetrovsk region, but in other regions as well, especially in Kyiv and Volyn region.

The work in implementing this commitment was concentrated on actions such as creation of regional portals for providing administrative services in electronic form, and introduction of the elements of e-governance in the systems of health care and primary education. In addition, a more detailed event plan envisages the establishment of an electronic, web-based system of the urban development plan of Kyiv city and some other activities.

The government has a number of e-projects underway. A virtual office exists for providing electronic services in the Dnipropetrovsk region of Vidkryta vlada (Open Public Authorities, http://www.e-services.dp.gov.ua). The internal portal provides a

unified system of interaction with the state administrators and permitting authorities. The external portal provides entrepreneurs and citizens with all necessary information and allows visitors to create electronic pages to track the status of their cases.

In 2012, a virtual office conducted all state administrators (12 persons) and 26 city and regional permitting authorities were connected to the system. The plan is to spread the virtual office work to all 35 permitting centres in Dnipropetrovsk region.[1]

The virtual office of Dnipropetrovsk region currently provides only the following two electronic services: receiving information on the process of case consideration via the personal office or SMS and consulting by electronic channels (i.e., chat) with the permitting center or body. Dnipropetrovsk Regional State Administration, Dnipropetrovsk Regional Council, permitting authorities, and territorial bodies of the central authorities of executive power have concluded a memorandum on interaction concerning administrative services and permitting procedures. The memorandum will allow the conversion of the present virtual office from an informational system into a working system.[2]

The government launched several pilot initiatives on a "unified medical space" in Dnipropetrovsk region. They started a pilot project for a system for providing video consultations for patients at medical establishments in Mahdalynivka district. The basic aim of this project is to create the necessary conditions for employees of rural clinics and medical and obstetric stations to obtain professional consultations from regional hospitals. A regional hospital named after I.I. Mechnykov, Dnipropetrovsk town hospital No. 7, and Emergency Centre are piloting an electronic informational system called "E-Hospital."[3] In Kyiv, officials established a unified medical space in Darnytskyi district.

The implementers also included in the unified information and analytical base of preschool education in Dnipropetrovsk region the websites of kindergartens. According to local officials, electronic registration of pre-schoolers began on 1 December 2012. Officials started a similar system in Kyiv on 1 April 2013 (http://www.dnz.kiev.ua).[4] However, interviewed civil society activists said that the citizens of Kyiv complained about technical malfunctions of the electronic system.[5]

Implementers also created a website on administrative services of the bodies of executive power and local self-governing authorities in Volyn region.[6] This website has information on the services provided by the structural subdivisions of the regional state administration, territorial bodies of the central authorities of the executive power, district state administrations, and executive committees of city and town councils. Implementers also created virtual offices for applicants. According to data in the government report, the website is visited by an average of 800 users per day.

This portal has an informational nature. On 26 March 2013, resolution 124 of the first deputy head of Volynska regional state administration, "On Organisation of Establishing the Centres for Providing Administrative Services in the Region," allowed for the website to become operational.

The enactment of the head of the Kyiv City State Administration allowed for the creation of a website in Kyiv for administrative services as of 26 January 2012 under decree 122 (before Ukraine joined the OGP). The Kyiv city portal for administrative services is used by different bodies that participate in service delivery and allows these bodies to interact with one another. The portal also allows the possibility for visitors to register via the Internet, access the personal electronic offices of the clients, control the online submission of document data to the authorities, and receive five types of certificates on request via the Internet (called the "Quick Service" pilot project).

At present, the Kyiv portal for administrative services has received more than one million requests. The Quick-Service pilot project deals with services that do not require the personal presence of an applicant or delivery of original documents.[7]

Also the Citizens' Contact Centre of Kyiv 1551 has started an electronic portal for applications.[8] This number, 1551, is a short phone number that citizens can call if there is a problem with a traffic light, a broken elevator, no running water, or other problems with necessary services. Now citizens can also register concerns online, upload photos and videos, and receive feedback. Furthermore, the portal tracks the applications of the citizens on the interactive map.

Work continues on the layout of the "General plan of Kyiv to 2025."[9] This plan creates thematic mapping layers of the 3D models of the basic buildings, the construction of the city, and the territory relief of Kyiv (Scale 1:2,000). Also the system will work with informational subsystems: land cadastre of Kyiv, city planning, architecture, transportation and infrastructure, all of which promotes the development of the unified informational space of the territorial community of the city.[10] At present this system has limited functionality.

Did it matter?

Implementers have done great work on the e-governance project. If the urban development plan of Kyiv is made available online and achieves full functionality, it will be a breakthrough in terms of availability of useful public information.

However, most of the described innovations are not used in all Ukrainian regions. Also, one major problem is the absence of understanding of the correlation of regional electronic portals for providing administrative services with the Unified state portal for administrative services, where the citizens, in accordance with legislation, can receive the administrative services in electronic format. At present, it seems that regional portals are more functional, and the works for creation of these portal are not co-ordinated with the work via the unified state portal for administrative services. This creates a risk of overlap and inefficiency.

Still, if the political will to continue actions in this direction does not disappear, these problems can be resolved in time.

Moving forward

The challenge of providing administrative services by electronic channels needs a special study at the governmental level. The IRM researchers' analyses show that the government does not have full vision of the steps to implement this commitment.

There is no need for separate "e-region" portals if the unified portal of administrative services is supposed to have the same functionality. One of these commitments should be abandoned, or there should be greater co-ordination within one system.

The IRM researchers recommend that the government perform a detailed review of the commitments related to providing administrative services by electronic channels at the central and regional level for the purpose of allocating funds and efforts efficiently. This review needs to be performed with participation of other stakeholders during the development of the draft national action plan on OGP for 2014–2015.

---

[1] Government of Ukraine, *Report of Open Government Partnership Implementation* (Kyiv: Oct. 2013), http://www.ogp.gov.ua/sites/default/files/reports/3%D0%B2%D1%96%D1%82_OGP_2013.pdf.

[2] Civic Partnership, Civil Society Monitoring Report of Open Government Partnership Implementation (Kyiv: 2013),
http://www.ogp.gov.ua/sites/default/files/monitoring/First%20year_cs_19_07_2013.pdf.

[3] Civic Partnership, Civil Society Monitoring Report of Open Government Partnership Implementation (Kyiv: 2013),
http://www.ogp.gov.ua/sites/default/files/monitoring/First%20year_cs_19_07_2013.pdf.

[4] Government of Ukraine, *Report of Open Government Partnership Implementation* (Kyiv: Oct. 2013),
http://www.ogp.gov.ua/sites/default/files/reports/3%D0%B2%D1%96%D1%82_OGP_2013.pdf.

[5] Khmara, Oleksii, Interview by the authors (Kyiv: 8 Oct. 2013).

[6] Administration Services of Volynsk Region, http://www.ap.volyn.ua.

[7] Civic Partnership, Civil Society Monitoring Report of Open Government Partnership Implementation (Kyiv: 2013),
http://www.ogp.gov.ua/sites/default/files/monitoring/First%20year_cs_19_07_2013.pdf.

[8] Kyiv City State Administration, Contact Centre of Kyiv 1551, http://1551.gov.ua.

[9] Kyiv City State Administration, General Plan of Kyiv to 2025, http://mkk.kga.gov.ua.

[10] Government of Ukraine, *Report of Open Government Partnership Implementation* (Kyiv: Oct. 2013),
http://www.ogp.gov.ua/sites/default/files/reports/3%D0%B2%D1%96%D1%82_OGP_2013.pdf.

28. Network of E-Government Practitioners

Launching a two-way system, based on the National E-Government Center platform, for interacting with citizens using social networks named "We Develop E-Government" aimed at engaging citizens into social communication on formulation and implementation of state policy, and making decisions of social import with due regard to opinion of civil society.

Commitment Description		
A ns w er ab ili ty	**Lead institution**	State Agency on Science, Innovations and Informatisation
	Supporting institutions	National Centre for E-Governance, National Academy for Public Administration Under the President of Ukraine, Association "Cities of E-Governance", UNDP in Ukraine, International Renaissance Foundation, Organization for Security and Cooperation in Europe
	Point of contact specified?	No
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)
R el ev an ce	**OGP grand challenges**	None
	OGP Values	Access to Information	Civic Participation	Accountability	Tech & Innovation for Trans. & Acc.	None
						✓

Ambition		
New vs. pre-existing	**Potential impact**	
Pre-existing	Minor (The commitment is an incremental but positive step in the relevant policy area.)	

Level of completion		
Start date: July 2012	**Actual completion**	Complete
End date: December 2012	**Projected completion**	Complete
Next steps	New commitment building on existing implementation	

What happened?

The portal was created in October 2013 with the support of the United Nations Development Programme in Ukraine.

This is a place for development, saving and sharing information, knowledge and best practices as well as a mechanism for distance learning. The portal includes 11 modules: depository of the best practices, "electronic readiness of Ukraine", national contest for projects in E-governance, system for group work, projects market, city e-cabinet, methodological aspects, expert club, e-learning, e-library and e-journal. According to government experts, all these modules are actively used by e-government experts.[1]

Did it matter?

This portal will bring together e-government practitioners and provide opportunities for them to improve their skills and build a professional community. It provides communication tools for practitioners in different sectors to develop new policy suggestions.

However, the potential impact of this portal is rather indirect. This commitment appears as an additional communicational and educational measure that has direct impact not for the citizens but for the professionals working in the sphere of e-governance.

Moving forward

Taking into consideration the abovementioned, the IRM researchers recommend that future actions built upon this commitment need to have more direct focus on increasing transparency and accountability of the government using electronic technologies. One of the promising plans in this regard is to use the portal to further develop an interactive mechanism of assessing readiness of different parts of Ukrainian public administration system to introduce e-governance technologies (so-called Assessment of electronic readiness of Ukraine).

---

[1] Government of Ukraine, *Report of Open Government Partnership Implementation* (Kyiv: Oct. 2013), http://www.ogp.gov.ua/sites/default/files/reports/3%D0%B2%D1%96%D1%82_OGP_2013.pdf.

29. Public Libraries as Bridges towards E-Governance

Arrangement and implementation of the "Public Libraries as Bridges to E-Government" initiative with a view to enable free access to official information, interaction between citizens and government via libraries, train librarians to use e-government resources and technologies, implement an awareness-raising campaign and popularize e-government.

Commitment Description						
A ns w er ab ili ty	**Lead institution**	Ministry of Culture				
	Supporting institutions	Council of Ministers of Autonomous Republic of Crimea, State Agency on Science, Innovations, and Informatisation				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but it does not contain specific milestones or deliverables.)				
R el ev an ce	**OGP grand challenges**	None				
	OGP Values	**Access to Informati on**	**Civic Partici pation**	**Accounta bility**	**Tech & Innovation for Trans. & Acc.**	**None**
		✓			✓	

Ambition	
New vs. pre-existing	**Potential impact**
Pre-existing	Minor (The commitment is an incremental but positive step in the relevant policy area.)

Level of completion		
Start date: July 2012	**Actual completion**	Substantial
End date: December 2013	**Projected completion**	Complete
Next steps	Further work on basic implementation	

What happened?

The plan to implement a training programme in e-services in the public libraries was developed within an initiative called "Public libraries are the bridges to e-governance" by the Ministry of Culture. According to this plan, there was a project competition among CSOs between the end of 2012 and the first half of 2013. The competition was organized in partnership with international donors and did not receive Ukrainian public funding.[1] The local CSOs competed by training librarian specialists to provide professional consultations to the users of electronic administrative services, spreading information on delivery of administrative services by electronic means at the national and regional levels, and using the resources of the modern public libraries.

Did it matter?

The lack of computers and Internet access among citizens living in rural places and at the regional level is a problem that reduces demand for e-governance. Correspondingly, implementation of e-democracy innovations is hindered. The attempt to stimulate such demand by transforming libraries into resource centres of e-governance for the citizens is an interesting idea, but it is difficult to predict its efficiency at this time.

Moving forward

Monitoring the work efficiency of libraries' as resource centres for e-governance will be a logical next step in finishing the programme of training for librarians and equipping libraries with necessary resources. Such monitoring, conducted by international donors together with civil society experts, could clarify the effectiveness of this initiative and formulate possible further directions in its implementation.

---

[1] The project is being funded by the "Bibliomist" partnership of IREX, Bill and Melinda Gates Foundation, Ukrainian Ministry of Culture, Microsoft Corporation, USAID, and Ukrainian Association of Libraries.

30. E-Government Knowledge Management Portal

Launching the "E-Government Knowledge Management" portal storing data on best practices in promotion of e-government in Ukraine.

Commitment Description		
A ns w er ab ili ty	**Lead institution**	State Agency on Science, Innovations, and Informatisation
	Supporting institutions	National Academy on Public Administration Under the President of Ukraine
	Point of contact specified?	No
Specificity and measurability		High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)
R el ev an ce	**OGP grand challenges**	None

	OGP Values	**Access to Information**	**Civic Participation**	**Accountability**	**Tech & Innovation for Trans. & Acc.**	**None**
						✓

Ambition	
New vs. pre-existing	**Potential impact**
Pre-existing	None (The commitment maintains the status quo.)

Level of completion		
Start date: July 2012	**Actual completion**	Officially withdrawn
End date: July 2013	**Projected completion**	Complete
Next steps	None: Abandon commitment	

What happened?

Taking into consideration the similarity of the commitments 28 and 30, the State Agency Science, Innovations, and Informatisation has proposed to combine them into one and remove commitment 30 from consideration.

Did it matter?

Not Applicable.

Moving forward

Not Applicable.

V. SELF-ASSESSMENT

The government published its self-assessment in late October 2013 before the OGP London Summit. The English version of the document appeared a bit later. Taking into account that implementation of the plan started in July 2012, we can say the report was completed within the time limit.

Compared with the national action plan development process, stakeholders considered the drafting of the self-assessment report to be much more inclusive. A group of ten co-ordination council representatives gathered for preparation and initial discussion of the report. The draft of the report was based on information provided by responsible government bodies and parallel assessments made by civil society experts.[1] Later on, the draft was sent to civic councils of central government bodies and regional administrations, which discussed the report in full or in part. Reports on these discussions were publicized on the websites of some official bodies.[2]

As the civil society experts indicated, the final report is a unified text that reflects the position of all stakeholders and takes into account all comments provided. In cases where the government did not agree with the civil society experts, their opinions were mentioned separately.

However, this readiness to incorporate all external comments and suggestions led to frequent changes in the report structure. Unfortunately, the report in its final version does not refer to specific commitments and the planned schedule of their implementation. Even though some draft versions of the report contained detailed information on implementation of each commitment, the final text appeared to be more of a narrative, without specific indicators of each task implementation. However, the local OGP community does not consider this drawback to be significant, because the Ukrainian OGP implementation website has several detailed government reports on implementation of each national plan task,[3] as well as corresponding civil society monitoring reports.[4]

One problem with the report is the absence of a section that critically analyses the established consultation mechanisms with stakeholders in the process of the national plan implementation, and the absence of recommendations for necessary future steps.

Table 2: Self-Assessment Checklist

Was annual progress report published?	Yes
Was it done according to schedule?	Yes
Is the report available in the local language?	Yes
According to stakeholders, was this adequate?	Yes
Is the report available in English?	Yes
Did the government provide a two-week public comment period on draft self-assessment reports?	Yes
Were any public comments received?	Yes
Is the report deposited in the OGP portal?	Yes
Did the self-assessment report include review of the consultation efforts?	No
Did the report cover all of the commitments?	Yes

Did it assess completion according to schedule?	No
Did the report reaffirm responsibility for openness?	Yes
Does the report describe the relationship of the action plan with grand challenge areas?	No

---

[1] Khmara, Oleksii, Interview by the authors (Kyiv: 8 Oct. 2013).
[2] Khmara, Oleksii, Interview by the authors (Kyiv: 8 Oct. 2013).
[3] OGP, "Reports," http://ogp.gov.ua/reports.
[4] OGP, "Monitoring and Evaluation," http://ogp.gov.ua/monitoring.

VI: MOVING FORWARD

This section puts the OGP action plan into a broader context and highlights potential next steps, as reflected in the preceding sections, as well as stakeholder-identified priorities.

Country Context

Ukraine is considered to be a transition country, meaning that the democratic tradition here is still very weak, civil society is not fully developed, and public participation in policy formulation and development is not common. Although there is a vivid political competition among several strong political parties, proper interaction among key elements of the political system is problematic. The main problems are the weakness of public administration and democratic institutions, underdeveloped civil society, and lack of trust among society and political elites. For example, in its *2013 World Report*, the international NGO Human Rights Watch noted several acts of violence against civil society activists and journalists in 2012.[1] Freedom House concluded that corruption continued to worsen in the country in 2012.[2] Both organisations expressed concerns about the independence of the media in Ukraine. All of this suggests that the democratic process in Ukraine is fragile and that there are constant risks of its slowdown. Political crisis of late 2013 and a subsequent revolution that forced President Yanukovych to leave the country in February 2014 are good examples of the causes and consequences of the weak democratic institutions in Ukraine. Hopefully, the new Ukrainian government will learn these lessons.

Having said that, we should also mention that there are constant efforts inside the political system and civil society to change this situation. According to civil society representatives and government experts who were interviewed during preparation of this report, work on implementation of the OGP action plan could be considered as one of the steps in this direction. Indeed, stakeholders have made some progress.

The Ukrainian OGP action plan covers 30 different commitments in five general priorities. In a number of interviews, interviewees told the IRM researchers that the government took into account 80 percent of suggestions from civil society experts during the development of the action plan. Also, the plan itself is deeply rooted in pre-existing efforts and successes of civil society and government experts working in the field of public participation, access to information, the fight against corruption, and administrative reform. Therefore, almost every visible initiative that potentially fits into "open government" topic could be found in the plan.[3] The Ukrainian action plan is mainly concentrated on further lobbying of pre-existing government and civil society priorities.

For example, in the sphere of public participation in policy development, the president of Ukraine created the Co-ordination Council on Civil Society Development, and passed a presidential decree for a strategy for promotion of civil society development in March 2012.[4] These steps informed the OGP action plan and influenced its commitment in the first thematic field of engaging the public in policy development.

Similarly, there is a strong coalition of Ukrainian journalists and media activists who for a long time lobbied to adopt legislation on access to public information. The government passed the law in January 2011. Since then, civil society experts and committed government specialists made a number of efforts to ensure adequate implementation of this legislation, since it does not always work as promised.[5] The OGP action plan was used as another opportunity to promote this issue in the political agenda.

Anti-corruption commitments of the OGP plan are based on the National Anti-Corruption Strategy, signed by the president of Ukraine in October 2011 and on anti-corruption commitments of the action plan for visa liberalisation, suggested by the EU. Reform of administrative services and advancement in e-governance are based on the programme of economic reforms for 2010–2014 of the president of Ukraine.[6] Thus, it can be said that the OGP initiative is linked to almost every important Ukrainian initiative in the sphere of open governance.

Stakeholder Priorities

A critical view on the process of OGP action plan development shows a number of opportunities for improvement which officials could use during development of the next action plan for 2014–2015.

First, civil society experts suggested that the government experts responsible for action plan development should bring stakeholders into the process from the very beginning, without spending too much time on independent drafting of the plan. As previous experience shows, the first draft of the plan, which was developed by the government without prior consultations, was completely rewritten during the following consultations. According to civil society experts, the OGP co-ordination board could develop the first draft of the next action plan, as it brings together representatives of government and different stakeholders.[7]

Second, the government could make improvements in procedures for informing stakeholders on upcoming consultations. This was mentioned by government representatives, as well as by civil society experts.

Third, government representatives insisted that they want to organize broad regional consultations on the upcoming OGP action plan using civic councils created under local administrations.[8] However, according to civil society activists, this work should also be complemented by organisation of separate, detailed, thematic discussions for each thematic field. This could happen simultaneously with consultations that take place in civic councils. In this way, the quality of the final document could improve significantly, as experts could spend some time discussing specific commitments, indicators of success, and the like.[9]

Finally, one suggestion on action plan development was that there needs to be a developed template for the action plan with limitations on commitments, such as their number, specificity, and the like. In this way, the final text would become more structured and holistic.

Stakeholders believe the government could improve the co-ordinating mechanisms that it uses in OGP implementation. Stakeholders perceived that the government's creation of the co-ordination board consisting of government and civil society experts was a move in the right direction. However, currently its work is seen as ineffective. There were suggestions to organize more frequent meetings of the co-ordination board. Also, working groups of the co-ordination board should be reanimated, and their meetings should take place more often. At the same time, if necessary, the composition of these groups could be reviewed, since today there are too many group members who do not demonstrate commitment to work on the co-ordination board.[10]

Stakeholders saw the process of developing the self-assessment report as more productive and effective than the process of action plan development. Stakeholders positively assess the fact that the drafters reviewed and rewrote the report several times with participation of all stakeholders.

Recommendations

While assessing implementation of the action plan, stakeholders mentioned key commitments in almost each thematic field, these commitments being the bottlenecks that implementers need to put into place in order to make further progress in the field possible. In almost every interview, stakeholders mentioned the need to implement these commitments as a prerequisite of the further success of the action plan. Obviously, these commitments need to be repeated in the next OGP action plan.

Interviewed experts from both government and civil society did not identify new thematic fields that are neglected by the current action plan and that should be added to the new plan. Quite the contrary, experts mostly agreed that the main attention in the next action plan should be paid to key commitments that are not implemented yet and to new priorities that naturally emerge from existing commitments. Stakeholders shared their views on what these new priorities should look like.

Engaging with civil society

With regard to engaging civil society in policy development, the first priority mentioned by civil society experts was to move forward with the work on a draft changing the law "On Public Self-Organising Bodies" towards a more inclusive approach. Stakeholders often shared their feeling that previous efforts of government to create new mechanisms for communication with civil society did not achieve the expected results. Civil society experts put forward several ideas. One of them is the creation of sectoral councils in which government and civil society professionals could gather to consult on upcoming policy decisions. As a positive example, civil society experts referred to existing trilateral mechanisms of consultations between government, trade unions, and employers. This idea merits further discussion and could take place in the framework of implementation of next OGP plan.

Providing access to information

There are several important commitments that the government could develop in the new action plan. First, the current action plan foresees the need to initiate discussion on openness of a number of state registers. However, experts suggest that this commitment should be replaced by a stronger one and that there is a need to initiate a full-scale advocacy campaign that can explain the advantages of opening state registers, such as land registry and immovable property registry. Besides this, the government could take some practical steps towards opening these registries.

Second, one of the key tasks in the access to information thematic field that is still not implemented is adoption of the Draft Law No. 0947 (Amendments to Certain Legislative Acts of Ukraine in connection with the adoption of the Law of Ukraine "On Information" [as amended] and the Law of Ukraine "On Access to Public Information").[11] This is an important commitment, whose implementation will have a cascade effect on implementation of other commitments in this thematic field.

Combating corruption

In the fight against corruption, there are several follow-up steps that could be made in the future. First, there are still a lot of practical problems in obtaining sensitive data on politicians and senior government officials, such as assets declarations. To solve this problem completely, the government needs to introduce an e-database of the public servants declarations. This would give citizens direct access to these declarations. At the same time, such registers would allow for systematic control of the declarations by the authorized government bodies.

Reforming administrative services

In the field of administrative services, one of the most important tasks is to transform the unified state portal of administrative services into a working instrument of administrative services delivery. As stakeholders reported, there is also a need for government approval of the list of administrative services that will be delivered through the centres for providing administrative services. This will give ground for transferring delivery of administrative services from specific government bodies to newly established centres and their further development. All of these steps will have significant impact in combating corruption.

Introducing E-governance

With respect to electronic governance, several government experts pointed out a need to create a system of information exchange between the existing state registers. This task is not present in the existing action plan. However, this is a crucial practical task connected with several existing commitments. According to the Ministry of Economy, it is impossible to deliver administrative services through the Internet without such a system of information exchange in place. Without this system, it is also impossible to launch a fully functional unified state portal of administrative services.

---

[1] Human Rights Watch, World Report 2013, "Ukraine," http://www.hrw.org/world-report/2013/country-chapters%20/112581.

[2] Freedom House, Freedom in the World 2013, "Ukraine," http://www.freedomhouse.org/report/freedom-world/2013/ukraine.

[3] Oksha, Nataliya, Interview by the authors (Kyiv: 8 Oct. 2013).

[4] Cabinet of Ministers of Ukraine, Action Plan of Ukraine for Implementation of the the Open Government Partnership Initiative (Kyiv: 2012).

[5] Cabinet of Ministers of Ukraine, Action Plan of Ukraine for Implementation of the the Open Government Partnership Initiative (Kyiv: 2012).

[6] Cabinet of Ministers of Ukraine, Action Plan of Ukraine for Implementation of the the Open Government Partnership Initiative (Kyiv: 2012).

[7] Khmara, Oleksii, Interview by the authors (Kyiv: 8 Oct. 2013).

[8] Oksha, Nataliya, Interview by the authors (Kyiv: 8 Oct. 2013).

[9] Khmara, Oleksii, Interview by the authors (Kyiv: 8 Oct. 2013).

[10] Khmara, Oleksii, Interview by the authors (Kyiv: 8 Oct. 2013).

[11] Latsyba, Maksym, Interview by the authors (Kyiv: 14 Oct. 2013).

ANNEX: METHODOLOGY

As a complement to the government self-assessment during the OGP process, well-respected governance researchers write an independent assessment report, preferably from each OGP participating country.

These experts use a common OGP independent report questionnaire and guidelines,[1] based on a combination of interviews with local OGP stakeholders as well as desk-based analysis. This report is shared with a small International Expert Panel (appointed by the OGP Steering Committee) for peer review to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from civil society stakeholder meetings. The IRM report builds on the findings of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organisations.

Each local researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency, and therefore where possible, makes public the process of stakeholder engagement in research (detailed later in this section.) In those national contexts where anonymity of participants—governmental or civil society—is required, the IRM reserves the ability to protect the anonymity of informants. Additionally, because of the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each national document.

Introduction

The IRM's Ukraine report is based equally on the two different approaches to communication with stakeholders. First, the research team conducted personal and email-based interviews with government and civil society experts. The panel of experts included stakeholders working with the OGP action plan on a daily basis and a group of experts who work in the field of open governance but are not directly involved in OGP process. Altogether the IRM researchers interviewed 18 stakeholders. Second, the research team used two broader public events to gather more diverse views of stakeholders on that issue.

Stakeholder Selection

Stakeholders' representatives were divided in three groups, depending on their level of involvement in the OGP initiative:

- The most informed representatives of civil society and government, who are the members of the co-ordinating council on OGP implementation
- Government and civil society experts, responsible for the implementation of specific commitments
- Thematic experts who were not deeply involved in the OGP

The IRM researchers interviewed representatives of the first group (five people) in person. They gave extensive comments on all aspects of the OGP national plan development and implementation. The IRM researchers interviewed the second group (seven people) in person. Individuals in the group shared their experiences and impressions on the process of consultation during the national plan development and implementation and gave their assessment of the progress made. Experts from the third

group (six people) were interviewed or, in case of their unavailability, they gave responses to questionnaires the researchers sent by e-mail.

A roundtable of stakeholders that was organized by the government at the end of September 2013 gathered a much broader audience, including representatives of regional CSOs and civic councils that work under the local government administrations. The IRM researchers used this event to gather views of stakeholders on the OGP process.

Later, the IRM researchers teamed up with the civic expert council of the Parliament Committee on Fight Against Organized Crime and Corruption to organize another stakeholders' meeting on one of the most complex and important thematic fields of the Ukrainian OGP plan, which is the fight against corruption.

Stakeholder Meeting One

The first roundtable was organized by the Secretariat of the Cabinet of Ministers of Ukraine and took place on 26 September 2013.

Participants of the meeting shared their view on the current state of OGP action plan implementation in Ukraine in each thematic area and on the future priorities of the OGP for 2014–2015. Stakeholders can obtain a detailed description of the ideas discussed at the following link: http://civic.kmu.gov.ua/consult_mvc_kmu/news/article/show/1664 (in Ukrainian).

Around 70 people participated in this event. Participants included

- Avksentyev Yuriy—Deputy Head of the Secretariat of the Cabinet of Ministers of Ukraine
- Oksha Nataliya—Deputy Director of the Department for Information and Communication with Community, Head of Department of the Secretariat of the Cabinet of Ministers of Ukraine
- Mykytko Larysa—Head of the Sector, Department of the Production of Traditional and Alternative fuels, Ministry of Energy and Coal
- Shamray Nataliya—Head of the Division on Administrative Services in Kyiv City Administration
- Konoval Vadym—Head of the Division on E-governance in Kyiv City Administration
- Shapovalova Tetyana—Head of the Division on Informational Technologies of Dnipropetrovsk Regional Administration
- Arhypska Olesia –Director of the National Centre for E-Governance
- Latsyba Maksym—Head of the Programmes of Ukrainian Independent Centre for Political Research
- Tymoschuk Victor—Deputy Head of the Board of the Centre for Political and Legal Reform
- Yerysheva Antonina—President of the "Civic Energy" Charity Foundation
- Galkina Antonina—Co-ordinator of the Civic Partnership on OGP Implementation in Ukraine in Mykolaiv Region
- Orlovskyy Oleksiy—Director of the Programme "Civil Society and Good Governance," International Renaissance Foundation
- Altuhov Vadym—Co-ordinator of the Civic Partnership on OGP Implementation in Ukraine in Donetsk Region
- Yuriy Lavreniuk—Head of the All-Ukrainian Board on the Fight Against Corruption and Organized Crime
- Yuliya Gryga—Director of the "Philosophy of the Heard" CSO, Vinnytsa Region

- Platonov Oleh—Head of the Civic Council under the Ministry of Economic Development and Trade
- Bermes Zenoviy—Head of the Civic Council under Lviv Regional Administration
- Khmara Oleksii—Executive Director of Transparency International—Ukraine
- Nikiforov Artem—Head of the Association of Head of Student Self-Government in Kyiv

Stakeholder Meeting Two

The second meeting took place on 16 October 2013 and was organized by the Parliamentary Committee on Fight Against Organized Crime and Corruption in co-operation with the IRM researchers.

Participants of this meeting specifically discussed implementation of the OGP action plan in the thematic field of the fight against corruption and possible plans for action in this field in 2015.

Participants included

- Denys Kovryzhenko—IFES-Ukraine
- Okeksii Khmara—Executive Director of Transparency International—Ukraine
- Victor Taran—Director of the Centre for Political Studies and Analysis
- Vitaliy Shabunin—Director of the Anti-Corruption Action Centre
- Oleksa Shalayskiy—Journalist, "Our Money"
- Andriy Marusov—Freelance Investigative Journalist
- Yuriy Lavreniuk—Head of the All-Ukrainian Board on the Fight Against Corruption and Organized Crime
- Baran Oleh—President of the Ukrainian Federation of Security Industry
- Orlovskiy Oleksiy—Director of the Programme "Civil Society and Good Governance," International Renaissance Foundation
- Havroniuk Mykola—Deputy Head of the Board of the Centre for Political and Legal Reform

---

[1] Full research guidance can be found at http://bit.ly/120SROu

About the Independent Reporting Mechanism

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on a bi-annual basis. The design of research and quality control of such reports is carried out by the International Experts' Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts' Panel is:

- Yamini Aiyar
- Debbie Budlender
- Jonathan Fox
- Rosemary McGee
- Gerardo Munck

A small staff based in Washington, DC shepherds reports through the IRM process in close coordination with the IRM researchers. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.