



REPORT
ON THE IMPLEMENTATION OF OPEN GOVERNMENT PARTNERSHIP
INITIATIVE IN UKRAINE
(JULY 2012 - OCTOBER 2013)



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In September 2011, Ukraine joined the Open Government Partnership Initiative. Thus it has confirmed that it shares the basic principles of the Partnership: ensuring government administration transparency, engagement of the public in formulation and implementation of state policy, anti-corruption drive and introducing new information technologies.

At the beginning of 2012, the Cabinet of Ministers of Ukraine in close cooperation with the public developed a national Action plan on the implementation of the Initiative, which was introduced to the participants of the Partnership Conference in Brasilia (the Federal Republic of Brazil). The Action Plan consists on 80 per cent of the projects, proposed by the public. In July 2012, the Ukrainian Government approved a detailed plan of measures for the implementation of the Initiative. The Coordination Council on the Implementation of the Initiative was established. It is consisted of executive authorities and civil society representatives. Besides, the International Council was established with the participation of international organizations working in Ukraine and supporting the initiative. There is also the official website of the Initiative - <http://ogp.gov.ua>.

The first year of the implementation of the Initiative has resulted in increasing the level of openness and transparency of the Ukrainian Government. Meanwhile, the issues of concern that had affected the effectiveness of the planned activities were revealed. The Coordinating Council on the Implementation of the Open Government Partnership Initiative will keep on examining these issues of concern carefully and providing the Government with the proposals for the further appropriate development of Open Government, including a new Action Plan for Ukraine on 2014 - 2015.

ENGAGEMENT OF THE PUBLIC IN FORMULATION AND IMPLEMENTATION OF THE STATE POLICY

What is to be done

In this direction, the Government is planning measures for improving the legislation on civil society activities, participation of the public in decision making and proper implementation of the fundamental human rights and rights of citizens. In terms of implementing the Open Government Partnership Initiative, the Government had envisaged drafting of specific measures in all Ukrainian regions and studying of the European experience to promote cooperation between the executive power and the public.

What has been done

Ukraine was updated the Law of Ukraine “On Public Associations” and “On Charity and Charity Organizations”

During 2012, the legislation on civil society activities in Ukraine was updated:

- ▶ the Law of Ukraine “On Public Associations” and “On Charity and Charity Organizations” have been adopted;
- ▶ the Cabinet of Ministers of Ukraine and the Ministry of Justice have ensured the timely adoption of decrees necessary for the proper implementation of the Law of Ukraine “On Public Associations”.

In order to create proper conditions for the involvement of citizens in solving local issues, the working group formed by the Government have drafted the Law of Ukraine “On Amending the Law of Ukraine “On bodies on self-government”, including the issue of holding general meetings (conferences) of community-based representatives.

The second reading of the draft Law of Ukraine “On the organization and holding of peaceful gatherings” (Law “On peaceful gatherings”) have been prepared by the authorities, NGOs and the Committee of the Verkhovna Rada in close cooperation. However, in April, 2013 the Parliament of Ukraine did not place this draft law on the agenda. In this regard, the members of the Ukrainian Parliament have introduced a number of laws on freedom of peaceful gatherings.

The Ukrainian Government has paid considerable attention to the promotion of civil society and its participation in decision-making. In 2012, the President of Ukraine has established the Coordination Council on Development of Civil Society. The State Policy Strategy on Promotion of the Development of Civil Society in Ukraine has been also adopted. Most of the local authorities have elaborated the regional programs to promote civil society.

In 2012, the Ukrainian Cabinet of Ministers has established a new advisory body - the Council of Heads of Public Councils at the Executive Authorities to strengthen cooperation with representatives of civil society.

**5 600 consultations
with the public**

In June, 2012, the Prime Minister of Ukraine has met with the Heads of Public Councils at the Executive Authorities. Upon his instruction such meetings with members of the government and authorities have been held on a regular basis. In 2012, 4 meetings were held and 17 meetings in 2013. Besides, during 2012 - the first half of 2013, the Public Councils at the Executive Authorities have held 750 meetings discussing important issues of social and economic life. Also during 2012 - the first half of 2013, central and local authorities have held about 5 600 consultations with the public, discussed more than 4 200 current policy issues and about 1 750 draft legal acts. Meanwhile, e-consultations compounded around 60 percent of the total number of consultations with the public. This indicates the need to increase the share of public consultation in the form of public events.

**Website “Civil Society
and Government”**

In 2012, the government significantly upgraded the website “Civil Society and Government” (<http://civic.kmu.gov.ua>). Its new version simplifies the access of citizens to public discussions on important state decisions and information on the measures taken both by the Ukrainian Government and executive authorities to establish interaction with the public.

**Developing social
dialogue in Ukraine**

It is worth noting that the Government has made considerable efforts developing social dialogue in Ukraine. Relationships in this area are governed by the Law of Ukraine “On the Social Dialogue in Ukraine”, “On Trade Unions, Their Rights and Guarantees” and “On the Organization of Employers ,Their Associations, the Rights and Guarantees of Their Activity”, “On Public - Private Partnership” etc.

According to the Law of Ukraine “On Social Dialogue”, the National Tripartite Social and Economic Council (trade unions - employers’ associations - governmental authorities) has been created to provide social dialogue at the national level.

One of the main forms of cooperation is the engagement of social partners in the formulation and implementation of social and economic policies of the Government, regulation of labour, social and economic relations. Legal drafts on regulation of these issues are to be sent to the Joint Representative Body of Trade Unions and the Joint Representative Body of Employers for consideration and revision. The representatives of social dialogue participate in the meetings of the Government; they are members of the boards of public and scientific expert councils at executive authorities. The procedure of the participation of representatives of social dialogue in shaping fiscal policy has been adopted. The General Agreement on the Regulation of the Basic Principles and Norms of Social and Economic Policy and Labor Relations in Ukraine between the Cabinet of Ministers of Ukraine, national associations of employers and Ukrainian trade unions and professional associations is in force at the national level.



What Is To Be Done

and consideration.

The legal improvement of procedures for Public consultation and facilitation for public review of the authorities, as well as strengthening methodological support for this line of authorities remains among the tasks that require close Government attention regarding public involvement in the field of public policy development and implementation in the framework of Open Government Partnership initiative

In addition, members of the public indicate the need for the executive power to respect the requirements regulating the procedures for cooperation with civil society institutions.

National cadastral system has started operating in the public domain

Unified State Register (Last name, First name and Patronymic of the person, place of employment, office position at the time of the corruption offense, a nature of the corruption offense, a type of punishment (penalty), a disciplinary offense perpetration way, a disciplinary punishment option) will be announced on the official website of the Ministry of Justice from January 1, 2014.

Ukraine implemented EITI

In 2012, Ukraine started moving towards the implementation of Extractive Industries Transparency Initiative (EITI) standards, which should improve the investment climate and enhance energy security by creating more qualitative and transparent competitive environment. The multilateral group of stakeholders on this issue is established in the Ministry of Energy and Coal Industry of Ukraine. It involves experts and representatives of civil society organizations. The Ministry of Energy and Coal Industry of Ukraine in cooperation with the above-mentioned multilateral group prepared a package of documents required Ukraine to join EITI. In particular, it includes the work plan for EITI implementation in Ukraine in 2013-2015. The application made by the Ukrainian part is scheduled for consideration in October 2013.

The work to be done

In the framework of the Open Government Partnership Initiative in the line of providing access to public information it is necessary to redouble attention of executive authorities in providing a simplified and free access to the information contained in state registers, including via the Internet. Furthermore, it is also important to improve information and explanatory work regarding new opportunities of providing the right for information, as well as methodological and organizational support of providing public access to public information, to complete the process of creating a public information accounting system for all executive authorities.

PREVENTING AND COMBATING CORRUPTION

What was planned

In this context, the tasks of improving the regulatory and legal framework preventing and combating corruption are provided by the Government. In particular, the development of the draft Laws of Ukraine on the implementation of recommendations to the state made according to the results of the third round of monitoring by the group of states of the Council of Europe against corruption and the Istanbul Action Plan of the Organization for Economic Cooperation and Development, as well as regional programs for preventing and combating corruption is planned.

What has been done

In 2012, the Ministry of Justice prepared a draft Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine Regarding the Improvement of the Financial Control and Settlement of the Conflict of Interests”. According to the results of the Council of Europe examination it received positive conclusions and was submitted by the Cabinet of Ministers to the Verkhovna Rada of Ukraine. In addition, the draft Laws of Ukraine “On Amendments to the Criminal and Criminal Procedure Codes of Ukraine Regarding the Improvement of Forfeiture Procedure”, “On Amendments to Certain Legislative Acts of Ukraine on Implementation of Criminal Legal Measures on Legal Entities” and “On Amendments to Certain Legislative Acts of Ukraine Regarding the Improvement of Legislation on Preventing and Combating corruption” were also submitted by the Government to the Verkhovna Rada of Ukraine.

On May 18, 2013, the Law of Ukraine of April 18, 2013 № 221 - VII “On Amendments to Certain Legislative Acts of Ukraine regarding bringing the national legislation in compliance with the standards of the Criminal Law Convention on Corruption” adopted by the Verkhovna Rada of Ukraine came into force.

In addition, the Law of Ukraine of April 18, 2013 № 222- VII “On Amendments to the Criminal and Criminal Procedural Codes of Ukraine regarding the implementation of the Action Plan for liberalization of the EU visa regime for Ukraine” adopted by the Verkhovna Rada of Ukraine will enter into force on December 15, 2013.

The provisions, elaborated according to the results of the consultations involving the representatives of the Ministry of Justice and the People’s Deputies of Ukraine as well as legislative proposals contained in the draft laws submitted by the Cabinet of Ministers to the Verkhovna Rada of Ukraine “On amendments to some legislative acts of Ukraine regarding the improvement of legislation in the sphere of preventing and combating corruption” and “On amendments to the Criminal and Criminal Procedural codes of Ukraine regarding the improvement of confiscation procedure” were taken as a basis of the abovementioned Laws.

The adoption of Law of Ukraine of 23 May 2013 №314- VII “On Amendments to Certain Legislative Acts of Ukraine regarding the implementation of the Action Plan for liberalization of EU visa regime for Ukraine regarding the liability of legal persons” (will come into force on September 1, 2014), which is based on the provisions of the government bill “On amendments to some legislative acts of Ukraine regarding the implementation of criminal law measures on legal persons” was also the result of this cooperation.

Implementing the recommendations of the Council of Europe Group of States against corruption (GRECO)

The provisions of the passed Laws as well as the provisions of the draft laws submitted by the Cabinet of Ministers to the Verkhovna Rada of Ukraine, are aimed at implementing the recommendations of the Council of Europe Group of States against corruption (GRECO) concerning the criminalization of acts of corruption, the establishment of a special confiscation for their commitment and the use of criminal law sanctions regarding legal entities.

The Law of Ukraine of May 14, 2013 № 224-VII “On Amendments to Certain Legislative Acts of Ukraine regarding the implementation of the state anti-corruption policy” came into force on June 9, 2013. The provisions elaborated according to the results of the consultations (with participation Ministry of Justice and Ukrainian MPs) as well as legislative proposals contained in the government draft law “On amendments to some legislative acts of Ukraine concerning the improvement of financial control and settlement of the conflict of interests” came into force on June 9, 2013. The Law envisages, inter alia, the establishment of departments preventing and detecting corruption within central and local executive authorities. These authorities are responsible for verification of timely submitting the tax statements by civil servants, existence of conflict of interests, logical and arithmetic control of information in the declarations etc.

On May 16, 2013, the Verkhovna Rada of Ukraine adopted the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine regarding the compliance with the Criminal Procedural Code of Ukraine”. The Law envisages that an employee who is informed on a suspicion in committing a crime in the sphere of official activities is the subject of suspension from discharge of duties in office.

The Ministry of Justice published an annual anticorruption report on the results of measures taken to prevent and combat corruption in 2012

The Ministry of Justice published an annual anticorruption report on the results of measures taken to prevent and combat corruption in 2012. The report reflects information and statistics on the results of work of special bodies in combating corruption. The report also summarizes the results of the anticorruption expertise of the draft legal acts, the information on the measures taken by public authorities preventing and combating corruption including in the framework of international cooperation, the results of the public opinion surveys on corruption conducted by research institutions, the information on the state of anti-corruption strategy implementation.

IMPROVING THE QUALITY OF ADMINISTRATIVE SERVICES

What was planned

In this dimension the Government planned the activities with a view to legal regulation of the issues of administrative services and facilitation of public access to such services.

What has been done

The principles of the administrative services system were determined by the decrees of the Cabinet of Ministers till October 2012, in particular, by the Provisional order of administrative services, approved by the Cabinet of Ministers Regulation of 17 July 2009 № 737 “On measures regarding the arrangement of administrative services”, which remained in force until the legislative regulation of the issues of provision of such services.

Law of Ukraine “On Administrative Services” was adopted

Today, the Law of Ukraine “On Administrative Services”, which came into force on October 7, 2012, stipulates the legal basis of the exercise of rights, freedoms and lawful interests of individuals and legal entities in the provision of administrative services, the basic requirements for regulation of organizational support and administrative services provision; establishment of administrative services centers; the operation of the Unified State Portal of administrative services; the maintenance of the Register on administrative services; creation and maintenance of the Register of administrative services – the unified computer database of administrative services provided by the state and local authorities Law creates and provides administrative services to the Register maintenance – an integrated computer database of administrative services provided by state agencies and local governments is stipulated by the Law.

Pilot version of the Unified State Portal of Administrative Services was created

A pilot version of the Unified State Portal of Administrative Services (<http://poslugy.gov.ua>) was created. its functional capabilities provide access to information about administrative services, subjects of such services, centers of administrative services and the related legislative acts. Currently, measures are taken for the content and functionality of the portal.

Cabinet of Ministers of Ukraine adopted decrees, which approved the order of administration of the Unified State administrative services Portal and the Register of administrative services; the requirements on the preparation of technological cards of administrative services; regulations of the center of administrative services; a typical order on holding the competition for the provision of related services associated with the provision of administrative services.

In order to implement the provisions of the Law of Ukraine “On Administrative Services” Ministry of Economic Development has developed a draft Law of Ukraine “On the list of administrative services and fee (administration fee) for their provision”, and a draft State

What has to be done

The further work on implementing the legislation in all spheres of government administration to the requirements of the Law of Ukraine “On administrative services” remains a high priority of executive authorities operations towards the implementation of the Open Government Partnership Initiative regarding the improvement of the administrative services quality. In some cases it is necessary to change the legal regulation of certain areas. Moreover, it requires less attention to facilitate public access to administrative services, including the proper procedure for informing the public about their provision. It is urgent to implement an effective system of state and public control over the activities of the centers of administrative services. According to experts, the conditions has to be created for opening public reception with authorization centers, where citizens can receive free legal assistance. It ia also necessary to involve the public in the independent monitoring of the effectiveness of these services, identify problems in the process.

Besides, experts point out that the provision of certain administrative services remain non-transparent elements, including additional burdens due to the adoption of the Law of Ukraine “On the unified state demographic register, proving the citizenship of Ukraine, identity or its special status of a person”. Still, in the opinion of experts, the sphere of payment of administrative services remains unsettled as law “On the list of administrative services and fee (administration fee) for their provision” developed by the Ministry of Economic Development, in its current edition, does not fully address key issues of payment/free of charge administrative services, procedure for determining the amounts of payment.

IMPLEMENTATION OF E-GOVERNANCE AND THE DEVELOPMENT OF THE E-DEMOCRACY

What was planned

The Government has identified priority tasks of establishment an effective e-governance infrastructure and improving interaction between authorities and citizens through ICT.

What has been done

A number of important achievements have been gained, such as the approval by Ukrainian Government of the Information Society Development Strategy, the Concept of legislation reform in the area of public digital key infrastructure and electronic trusted services. It is planned to create conditions for identification of legal status of electronic documents certified by electronic signatures and the improvement of appropriate legal terminology.

Information Society Development Strategy was adopted

Testing the system of electronic interaction between executive authorities and Cabinet of Ministers' Secretariat took place in 2012. Measures to improve the legal framework of this process were taken following the successful testing. The requirements to the format, structure and protocols used in reliable means of digital signature have been approved. The Procedure of work with electronic documents via the system of electronic interaction between the executive authorities with the use of digital signatures is being prepared.

In 2012 a prototype of integrated information web-site for citizens' appeals to state and local government authorities was created. It is expected to be launched soon (<http://z.gov.ua>).

The work is being continued on creation of the National system of processing appeals to authorities, which will unify regional contact centres to ensure prompt consideration of citizens' requests, enterprises, institutions and organizations, individual entrepreneurs and local self-governmental bodies by the executive institutions via means of telecommunications (telephone, Internet). In 2012, the "Governmental contact centre" web site was launched (www.ukc.gov.ua). One can send a request via governmental telephone "hot line" using this site.

The steps for creating the automated system "Integrated window for electronic accountancy" are being made. The implementation of this system will facilitate electronic accountancy by enterprises for all executive and local self-government authorities. In 2012 the first phase of the system had been launched. In the first stage the Ministry of Revenue and Duties and the Pension Fund are going to be connected to the system.

Supported by the UNDP the Knowledge Management Portal based on the National Center for e-Government "We develop e-government" is about to be accomplished. This system envisages interaction with citizens, distance learning, e-library, exchange of ideas and projects.

Upon implementing the Memorandum between State Agency of Ukraine on Science, Innovations and Informatization, National Center for e-Governance, International “Renaissance” Foundation and Association “E-governance” the first National competition of project realization in the field of e-government was held. One of its tasks was to create a depository of best practices. 45 projects in three categories (case studies): e-democracy, e-tools and e-services were presented during the competition.

1600 libraries in the project “Public Libraries - bridges to e-government”

In the framework of the “Public Libraries - bridges to e-government” initiative Ministry of Culture has developed a plan for implementing the training on electronic services in public libraries. A contest was held in this regard and a number of NGO’s projects were supported. Namely, public awareness projects on available electronic services at national and regional levels, use of modern public libraries’ resources and population education.

The successful experience in building components for e-governance at the local level is being collected and studied. For instance, the “Administrative services and local self-governmental bodies of Volyn region” website (<http://www.ap.volyn.ua>) was created. This website contains information about 308 services provided by state administration departments and local offices of central authorities; 106 services provided by district state administrations and 100 services provided within the delegated municipalities. For providers of administrative services separate virtual rooms as components of virtual offices have been created. The site is attended by up to 800 visitors on a daily basis.

In Lutsk City Council center for administrative services, which is also a regional one, a virtual office to provide relevant services, including an automated system for electronic interaction between administrators and providers of administrative services has been implemented. It uses electronic digital signatures.

In early 2013 electronic documents flow testing has commenced in Volyn region with over 500 users in 77 offices connected to the system, for which one thousand electronic signatures have been generated. It is expected that by the end of 2013 1300 officials in executive and local self-government authorities will use this electronic document flow system.

In Dnipropetrovsk a comprehensive e-government project “Electronic region”

In Dnipropetrovsk a comprehensive e-government project “Electronic region” was implemented. It is based on the project management methodology and takes into account the Integrated Development Strategy of the Dnipropetrovsk region. The portfolio of 53 e-governance sub-projects has been created on the basis of “Electronic region” project’s “road map”. The priority of the project is training of personnel as well as implementation of e-government capacity in several key areas: administrative services, health and education.

In 2012 in Dnepropetrovsk region all licensing authorities (12 administrators and 26 city and regional centres) are interconnected

by means of virtual office. Further introduction of virtual offices in all 35 licensing centres of this region is planned.

Also in Dnipropetrovsk region the realisation of the pilot project “Implementation of video consultation for patients of Mahdalynivskiy district hospital”. The project’s main objective is to create necessary conditions for employees of village outpatients’ clinics and first aid and midwifery stations with regional hospitals. The projects for the implementation of telemedicine on the basis of Pavlograd hospital, a typical data-processing system “e-hospital” at the Mechnikov Regional Clinical Hospital are being realized.

In Kyiv Darnitsa district a model information-analytical system “United Medical Space” has been created. It is being tested since December 2012.

Since April 1, 2013 the electronic registration system to pre-school institutions (<http://www.dnz.kiev.ua>) is operational in all Kyiv areas within the project “Electronic kindergarten”. The above-mentioned electronic system is to simplify the work of regional education departments and make the process of entry to the kindergarten more transparent, ensuring equal access to quality pre-school education in Kyiv.

Such electronic registration systems already operate in other regions of Ukraine.

In Kyiv the Electronic appeals portal “Contact Centre of Kyiv 1551” (<http://1551.gov.ua>) has been launched. It allows citizens to track the status of the application in real time.

The work on the project of information-analytical system “The City of Kyiv Master Plan 2025” (<http://mkk.kga.gov.ua>) is being carried out. This system will embrace the following subsystems: land registry of Kyiv, town planning, architecture, transportation and infrastructure. It will facilitate the development of a local community information space.

In December 2013, the first stage of data processing centre “Regional Centre for Electronic Governance “Electronic Capital” is planned to be kicked off. The official Kyiv travel portal was created (<http://vizitkyiv.com.ua>).

Within the implementation of the OGP Initiative the Government is to follow the best practices in the field of e-governance. Namely, in the operation of all central and local executive authorities as well as in further development of automated systems which are designed to simplify interaction between citizens and the Government.

In Kyiv the Electronic appeals portal “Contact Centre of Kyiv 1551”

What has to be done