Independent Reporting Mechanism

Results Report: Ukraine 2021–2022

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Executive Summary

Russia's full-scale military invasion of Ukraine shifted the priorities of the government and civil society during its fifth OGP action plan cycle. Despite challenges brought by the invasion, the action plan laid the groundwork for transparency in beneficial ownership, extractive industries, and open data. The Coordination Council—Ukraine's multistakeholder forum—continued to meet during the implementation period, although the invasion also impacted stakeholder engagement.

Early results

Ukraine's fifth action plan covered diverse topics such as budget transparency, public asset accounting, beneficial ownership, extractive industries, roads and infrastructure, persons with disabilities, and gender-disaggregated data.

Half of the commitments showed early results. These commitments improved local budget transparency (Commitment 1), beneficial ownership verification (Commitment 3), distance learning in education (Commitment 6), extractives sector reporting (Commitment 8), open data competencies in public administration (Commitment 9), digital accessibility for persons with disabilities (Commitment 10), and participation of young people (Commitment 11). Following the introduction of martial law, prompted by the start of Russia's full-scale military invasion on 24 February 2022, the government restricted public access to some online platforms featured in the action plan due to security concerns.[1] The IRM was unable to assess the full extent of the results of some commitments due to these ongoing restrictions.

IMPLEMENTATION AT A GLANCE

LEVEL OF COMPLETION

8/14 Complete or substantially complete commitments

EARLY RESULTS

7/14 Commitments with early results

0/14 Commitments with major or outstanding early results

COMPLIANCE WITH MINIMUM REQUIREMENTS

Acting according to OGP process.

Completion

Eight of 14 commitments (57%) achieved substantial or full implementation. This was slightly lower than the 11 of 17 commitments (64%) that achieved substantial or full implementation in the 2018–2020 action plan.

The level of completion was linked with the timing of activities, engagement with civil society organizations (CSOs), and support of international partners. Activities carried out before the full-scale invasion generally achieved higher completion. Commitment 2 on public asset accounting, Commitment 7 on e-democracy, as well as the e-contracting component of Commitment 1 saw limited implementation due to changes in the approaches of the responsible agencies and stakeholders and further challenges linked with the invasion. For some commitments, the necessary technologies for disclosing information were created but no or limited results were reported due to lack of publicly available information.

Participation and co-creation

The Secretariat of the Cabinet of Ministers continued to oversee the OGP process in Ukraine. The Coordination Council—Ukraine's multistakeholder forum—met five times during implementation to discuss the status of the commitments and the next action plan.[2] The selection of new members to the Coordination Council in May 2021 improved civil society oversight.[3]

Despite challenges from the COVID-19 pandemic and Russia's full-scale invasion, a number of events to engage civil society took place—mostly in the first year of implementation. The government and civil society organized online and offline events during Open Government Weeks in 2021 and 2022. Moreover, some commitments had dialogue built into their design, including discussions with academics on open science policy (Commitment 4), engaging businesses in the creation of a platform for patents and innovation (Commitment 5), and trainings for young people (Commitment 11). Commitment 8 was linked to Ukraine's activities under the Extractive Industries Transparency Initiative (EITI), engaging the EITI Multistakeholder Group in the operations of the new EITI portal.

Implementation in context

Following Russia's full-scale military invasion, the government and civil society shifted their attention towards security and humanitarian priorities during the second year of implementation in 2022. The number of active civil servants decreased after the start of the invasion, adding to the workload of public agencies.[4] The invasion generally did not affect donor funding that was already earmarked for OGP commitments, although the government and civil society redirected funding to humanitarian and recovery efforts in some cases. Ongoing military operations and occupation made it impossible to implement activities or collect information in some territories. In addition, shifting priorities of the Ministry of Infrastructure limited the implementation of activities related to local governments and state infrastructure.[5]

On 23 June 2022, the European Council endorsed Ukraine's candidacy for membership of the European Union (EU) and provided Ukraine with recommendations to fulfill around transparency and anti-corruption.[6] The EU recommendations also informed the co-creation of Ukraine's next OGP action plan and served as an incentive towards improving transparency and accountability.

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[1] Martial law was introduced on 24 February 2022 and then extended until at least 15 November 2023. See: Anna Pruchnicka, "Ukraine extends martial law, ruling out October parliament vote," Reuters, 27 July 2023, https://www.reuters.com/world/europe/ukraine-extends-martial-law-ruling-out-october-parliament-vote-2023-07-27.

[2] "Ukraine End-of-Term Self-Assessment 2020–2022," Cabinet of Ministers, 22 May 2023, https://www.opengovpartnership.org/documents/ukraine-end-of-term-self-assessment-2020-2022.

[3] "Composition of the Coordination Council on implementation of the Open Government Partnership initiative in Ukraine," Cabinet of Ministers, 3 July 2023, https://www.kmu.gov.ua/storage/app/sites/1/17-civik-2018/partnerstvo/kr5-20230703.pdf.

[4] According to official information, more than 7,400 civil servants left the country or were mobilized to army forces, which is about 5% of the current workforce of civil servants. See: "Statistical data on civil servants," National Agency of Ukraine Civil Service, 31 March 2023, https://nads.gov.ua/storage/app/sites/5/DIYALNIST/KSDS/1%D0%BA%D0%B2.23.pdf, 7.

[5] Based on the Resolution of the Cabinet of Ministers of Ukraine dated 2 December 2022, the Ministry of Infrastructure was merged with the Ministry for Community and Territorial Development to reorganize into the Ministry for Communities, Territories, and Infrastructure Development of Ukraine. See: "Government adopted a decision to optimize the system of central executive bodies," Service of Minister of the Cabinet of Ministers, 2

December 2022, https://www.kmu.gov.ua/en/news/uriad-pryiniav-rishennia-pro-optymizatsiiu-systemy-tsentralnykh-orhaniv-vykonavchoi-vlady.

[6] "Recommendations of the European Commission regarding the status of Ukraine for EU membership," Delegation of the European Union to Ukraine, 17 June 2022, https://www.eeas.europa.eu/node/415005_en?s=232.

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Section I: Key Observations

Russia's full-scale military invasion significantly impacted Ukraine's work on open government in general and its OGP process in particular. Nevertheless, the government remained committed to reforms. The invasion has also highlighted the importance of Ukrainian civil society and international partners to Ukraine's OGP process.

Observation 1: The start of Russia's full-scale invasion in 2022 affected government transparency but the political will around open government remained strong.
In the context of martial law following Russia's full-scale invasion, the government restricted access to data that could be sensitive for national security, allowing data holders to withhold such data. These restrictions affected commitments on budget transparency (Commitment 1), beneficial ownership verification (Commitment 6), extractive industries transparency (Commitment 8), and information on roads (Commitment 12).

Ukrainian civil society has expressed concerns that temporary restrictions of access to information, though justified at the beginning of the war, could be used by some agencies to withhold information that do not pose a threat to national security.[1] Civil society members of the Coordination Council insisted that all registries and databases that were open before the war be restored once martial law ends. Many government registries and databases that were restricted at the start of war have been reopened since August 2022.[2]

The European Data Portal continued to recognize Ukraine as an open data "trend setter" in the 2022 Open Data Maturity Report.[3] Commitment 9 on the Open Data Competence Center demonstrated Ukraine's political will to strengthen its open data framework. The Ministry of Digital Transformation is in continuous dialogue with data holders, the National Security Service, and the military to identify data that could be opened during the war and information that will be disclosed after the war.[4]

Observation 2: Commitments where civil society remained engaged were more likely to be implemented, even though some prominent CSOs temporarily diverted their support from OGP to relief efforts at the beginning of the war.
While most responsible government bodies remained engaged in the OGP process after the start of Russia's full-scale invasion, commitments were more effective when CSOs took a leading role in their implementation. However, some key CSOs shifted their support away from commitments after the start of the invasion. For example, Transparency International Ukraine stopped its support for Commitment 2 on public asset accounting, while CoST Ukraine discontinued its operations, preventing the completion of Commitment 13 on single identifiers for infrastructure contracts. The commitments that had no dedicated CSO partners were generally less successful, such as Commitment 14 on gender-disaggregated data.

Ukrainian civil society anticipates playing a key role in the country's post-war reconstruction and accession to the EU. CSOs are confident in their dialogue with the government, given their past successes in improving transparency and accountability in public finances and extractive industries through OGP action plans and beyond. International recognition of these successes has positively affected collaboration with government officials.

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Observation 3: International donor support was critical for commitment implementation, particularly for laying the groundwork for new online platforms.
Though the government allocated human and financial resources for implementation where possible, the support of international partners was vital to the implementation of most commitments, particularly at the beginning of the action plan. For example, the German Agency for International Cooperation (GIZ) helped establish an EITI reporting system (Commitment 8) and a patenting and innovation platform (Commitment 5). The Transparency and Accountability in Public Administration and Services (TAPAS) project by USAID & UK Aid contributed to the capacity building and research activities of the Open Data Competence Center (Commitment 9), a portal for road geolocation data (Commitment 12), as well as the operations of the Unified Data Portal and other open data initiatives. OGP's EU for Integrity Programme for the Eastern Partnership helped implement research on e-contracting (Commitment 1) and the audit of state registers that was used to develop recommendations on the ultimate beneficial ownership verification system (Commitment 6). The International Renaissance Foundation helped develop an interactive course on UBO verification for Ukrainian civil servants and CSOs. Furthermore, UNDP Ukraine assisted research on digital accessibility for persons with disabilities (Commitment 10) while the Council of Europe supported youth participation through its "Youth for Democracy in Ukraine" project (Commitment 11).

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[1] Interviews with civil society stakeholders by IRM researcher, June 2023; "Open statement of the RISE Ukraine Coalition on ensuring the availability of open data," RISE Ukraine, https://www.rise.org.ua/blog/open-statement-of-the-rise-ukraine-coalition-on-ensuring-the-availability-of-open-data.

[2] "The data.gov.ua open data portal has resumed its work," Ministry of Digital Transformation, 1 August 2022, https://www.kmu.gov.ua/news/portal-vidkrytykh-danykh-datagovua-vidnovyv-svoiu-robotu-vpershe-vid-pochatku-povnomasshtabnoi-viiny; Mykhailo Kornieiev (Ministry of Digital Transformation), interview by IRM researcher, 29 June 29 2023.

[3] "Assessing open data developments across Europe: Discover the Open Data Maturity Report 2022," data.europa.eu, 14 December 2022, https://data.europa.eu/en/publications/datastories/assessing-open-data-developments-across-europe-discover-open-data-maturity.

[4] Kornieiev, interview.

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Section II: Implementation and Early Results

The following section looks at the three commitments or clusters that the IRM identified as having the strongest results from implementation. To assess early results, the IRM referred to commitments or clusters identified as promising in the Action Plan Review as a starting point. After verification of completion evidence, the IRM also took into account commitments or clusters that were not determined as promising but that, as implemented, yielded significant results.

Commitment 6: Verification of beneficial owners
Implementing agency: Ministry of Justice

Context and objectives
In 2015, Ukraine became the first country in the world to make information on beneficial owners publicly accessible. All companies must submit information about their beneficial owners to the Unified State Register of Legal Entities, Individual Entrepreneurs, and Public Organizations (Unified State Register). The Unified State Register portal has separate fields for entering information on ultimate beneficial owners (UBO).[1] However, due to technical flaws and insufficient legislative framework, many companies did not provide UBO data in the register.[2] In addition, there was no unified approach to verify submitted UBO data. These problems hindered the potential of the portal to help identify corruption, tax evasion, and money laundering.

This commitment aimed to implement a unified system of UBO verification. It also entailed training data owners in providing correct UBO information and educating stakeholders in using UBO data in their monitoring activities. It followed a commitment in the previous action plan which saw limited completion.[3]

Did it open government? Marginal
The responsible agencies put in place some verification mechanisms, while CSOs completed two of the three activities, namely independent audit and online training course. With the support of the EU for Integrity Programme for the Eastern Partnership, CSOs conducted an audit of 199 state registers. The audit concluded that a unified UBO verification system would require the participation of 21 authorities and would cover 50 registers and datasets.[4] In December 2021, the State Financial Monitoring Service organized a panel discussion where the authors presented the audit findings and recommendations to state bodies.[5]

In July 2021, the State Tax Service, the Ministry of Justice and the Ministry of Digital Transformation reached an agreement to establish links between the governmental bodies holding the data needed for UBO verification. This involved an automated compliance check of the registration number on the taxpayer registration card (if available) of the UBO with the State Register of Individual Taxpayers. In September 2022, the parliament adopted amendments to simplify UBO submission procedures and mandate the verification of UBO information using the State Register of Civil Status Acts, the Unified State Demographic Register, the State Register of Taxpayers, and the information of the Ministry of Internal Affairs about missing persons and stolen (lost) documents.[6] The law provides for the establishment of a mechanism for verification by the state registrar of information on UBOs during registration and entering into the Unified State Register notes about the possible unreliability of information about the UBO and/or the ownership structure and sending an appeal to the legal entity to

provide an explanation for this information. The law also provides for the creation of a system of methodological assistance to legal entities during the determination of the UBO, as well as the simplification of the submission of information about the UBO and the ownership structure. These provisions entered into force in December 2022 and partially addressed the commitment's objective to create a unified UBO verification system. However, stakeholders mentioned a need to connect data from more agencies (including banks and law enforcement) for better verification.[7]

Steps were also taken to ensure complete and structured UBO information in the Unified State Register. Based on an Order of the Ministry of Finance, which entered into force on 11 July 2021, all legal entities that are required to publish their UBO information in the Unified State Register—including those who were already registered—had to update their UBO information within a year of the order being enforced.[8] This ensures that all companies are required to update their UBO data on a special field and makes UBO verification more feasible.

However, due to martial law, the implementation of this order was suspended. The Cabinet of Ministers suspended access to the Unified State Register for the public in March 2022.[9] Although CSOs have called for reopening access (taking into account the requirements of the Law on Access to Public Information), the register was not accessible at the time of writing this report (July 2023).[10] Legal entities will be required to provide UBO information within three months after the suspension or termination of martial law.[11]

The Civil Society Development Forum, with support of the International Renaissance Foundation, launched an interactive course on "Identification of the Ultimate Beneficial Owner" in May 2021.[12] The course is open to anyone and covers how to identify UBOs and who regulates the transparency and identification of UBOs. It also provides an overview of the Ukrainian experience, international standards, and best practices in beneficial ownership transparency.[13] As of December 2021, over 15 thousand persons from Ukraine and over 1,000 persons from other countries completed the course.[14] According to a civil society representative, many civil servants had taken the course, which contributed to more effective verification. As all legal entities are required to disclose beneficial ownership, including non-profits, many CSOs also took the course to understand the process of disclosing their information and increase their capacity around UBO monitoring and verification.[15]

The IRM assesses this commitment as having produced marginal results so far, as a number of regulatory and practical steps are still needed for a functioning and comprehensive verification system. The temporary suspension of the requirement to publish UBO data and public access restrictions to the Unified State Register continue to prevent civil society and journalists from monitoring the quality and accuracy of UBO data. However, this commitment has laid the foundation for effective verification of UBO data in the future, in light of the September 2022 legal amendments and the Order of the Ministry of Finance requiring legal entities to update their UBO information. The training courses launched in May 2021 also helped civil servants and civil society better understand the requirements around UBO reporting and verification.

Looking ahead
UBO verification remains a priority for Ukraine following the recommendations from the European Commission for EU membership.[16] However, there is currently no single public authority responsible for implementing the verification process. While civil society played an active role in this and previous commitments, more government ownership is needed to

complete the setup of the UBO verification system, especially as UBO verification has not been carried forward into the draft sixth action plan.

The IRM recommends the following steps:
- Engage responsible bodies and assign a single authority for continuing the implementation of the UBO verification system. This will help sustain cooperation between state agencies, pass further legislative amendments and bylaws, and produce guidelines around automated checking of UBO data through interconnection of various state registries.
- Restore open access to state registries—in line with requirements of the Law on Access to Public Information, particularly the Unified State Register to allow civil society and journalists to verify the accuracy of UBO data and identify incorrect information.
- Consider connecting data from more agencies beyond those specified in the September 2022 legal amendments for better verification, such as banks and law enforcement. In the longer term, Ukraine could consider incorporating these agencies into the legal requirements around UBO verification.
- In cases where UBOs are citizens of other countries, it is difficult to verify their information if Ukraine's register is not interconnected with other countries' registries. Ukrainian civil society have therefore proposed connecting Ukraine's register with other countries' registers and databases, including the possibility of UBO verification at the transnational level (e.g., among OGP members), and to continue training and capacity building for Ukrainians in this area.[17]

Commitment 8: Introduce the electronic system for reporting by extractive industries
Implementing agency: Ministry of Energy

Context and objectives
This commitment aimed to introduce an electronic system for financial reporting by extractive companies. The system would provide a single point of access for companies to submit primary information for drafting Ukraine's national Extractive Industries Transparency Initiative (EITI) reports. It involved launching the portal (created during the 2018–2020 action plan), training government staff on using it, and adopting legal acts to ensure its utilization. The commitment also aimed to form regional EITI multistakeholder groups (MSGs).

Did it open government? Marginal
In February 2021, the Ministry of Energy adopted the EITI Electronic Reporting and Analysis System eiti.gov.ua (EITI portal), transferred from GIZ. New Energy, a civil society organization, drafted a terms of reference for improving the platform. The Ministry of Energy, with GIZ, developers, and partner NGOs prepared guidelines for companies on submitting their reports through the platform. The EITI MSG approved an action plan for the utilization of the portal for 2023–2025 at a meeting in December 2021.[18]

On 16 December 2021, the parliament adopted legal amendments to meet the requirements of the 2019 EITI Standard.[19] These amendments required extractive companies to fully disclose all their contracts with the government (along with annexes) and enforce transition to the EITI portal. With support from GIZ and the Ministry of Energy, New Energy organized five online trainings in 2021 and two in 2022 for employees of the Ministry of Energy and extractive companies on the system and the specifics of the reporting forms.[20] Instructions on reporting

were posted on the portal[21] and online seminars were held on the portal's new features.[22] Instructions on using the analytics dashboard were published on Ukraine's EITI website.[23]

Following the introduction of martial law in February 2022, the government restricted access to the EITI portal after consulting the EITI MSG. The deadline for submitting 2021 reports was extended to 21 February 2023, and later to three months after the end of martial law.[24] In 2022, during martial law, 124 companies submitted reports for 2021 through the EITI portal.[25] Reporting has been especially challenging for companies operating in territories affected by the war. In June–September 2022, a team of researchers conducted a study on adapting EITI to the conditions of war. The study identified the state and problems facing mining enterprises during martial law in Ukraine and included recommendations on additional security measures and technical support to extractive companies on the information they publish.[26]

Ukraine's EITI website has a draft regulation and materials on establishing regional MSGs.[27] However, during the war, EITI activities in regions have been minimized. There were plans for MSGs in the Lviv, Kharkiv, and Poltava regions, but it only materialized in Lviv during the implementation period. A civil society representative mentioned there are varying levels of interest among regional stakeholders in creating regional MSGs.[28]

This commitment has seen marginal results by the end of the implementation period, with the potential to bring greater results once the EITI portal is fully functional. The Ministry of Energy noted that the data received from companies were not analyzed by the Independent Administrator for preparation of the 2021 EITI report but will be available on the EITI portal for analysis by the public, journalists, and competent authorities.[29] The 2022 report will be prepared in full by reconciliation and analysis of payments. Once the EITI portal is fully operational (approximately in three to five years), all data will be analyzed using the analytical modules of the portal.[30] The possibility for easier collection and analysis of data will significantly reduce the time and effort required to produce Ukraine's EITI reports. Previously, this information was collected via individual requests for information from different extractive companies. Despite the challenges of the war, Ukraine was recognized as a leader in transparency of extractive industries at the 2023 EITI Global Conference.[31]

Looking ahead
The EITI portal is currently being developed in accordance with the portal development action plan for 2023–2025. Ukraine's draft sixth action plan also includes a commitment to continue developing the portal. This commitment will involve expanding the portal's functions to monitor recovery and the progress of the energy transition, enlarging the business analytics tool to allow more comprehensive and flexible data analysis, and conducting trainings for representatives of central executive authorities, local self-government bodies, enterprises, and the public on working with the portal.

The IRM recommends amending the legislation on extractive industry transparency to ensure compliance of data disclosure requirements with the updated 2023 EITI Data Standards and adopting bylaw regulations to implement the amended legislation.[32] The new commitment will also entail amending the legal regulation around the function and composition of Ukraine's national MSG and reconstituting Ukraine's EITI National Secretariat—which paused its activities during the war due to limited human and financial resources. Upon the end of martial law and the start of recovery period, the IRM recommends continuing the creation of regional MSGs, with capacity building and awareness raising for effective operations of these groups.

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Commitment 9: Establishing the National Centre for Open Data Competence
Implementing agency: Ministry of Digital Transformation

Context and objectives
Ukraine operates multiple platforms that provide access to open data on public procurement, public spending, public property sales, budget, and other information on public finances.[33] A number of datasets and registries are published on the Unified Open Data Portal. A 2015 government resolution regulates the provisions on open data and defines high-priority datasets to open.[34] The Ministry of Digital Transformation is responsible for open data policy and the Unified Open Data Portal.

To support these initiatives, this commitment aimed to establish a national Open Data Competence Center to provide a knowledge base and training on managing and using open data. The center would also integrate open data services in one place and help develop a national open data policy.

Did it open government? Marginal
In March 2021, the Cabinet of Ministers adopted amendments to the definitions of open data principles and the list of open datasets. These amendments established the Open Data Competence Center as an integral part of the Unified Open Data Portal.[35] The Ministry of Digital Transformation launched the diia.data.gov.ua Open Data website in May 2021,[36] which provides information on open data standards, datasets, open data impact in various sectors of government, as well as relevant applications, resources, and services. It also allows users to suggest new datasets to open and give feedback on existing data.[37] The website was closed during the first months of the war but has since been reopened and continued providing updates on training activities. In November 2021, the government adopted an open data strategy and action plan for 2022–2025.[38]

Since 2021, the Ministry of Digital Transformation has provided two-week online courses on open data for over 10 thousand civil servants from central and regional government bodies. The training covers the creation of reusable data, publishing data on the national portal, and use of data for policy development. The Open Data Competence Center also offers educational series on Diia Digital Education,[39] which has been completed by over 100 thousand civil servants. In collaboration with international organizations, the ministry also offered trainings to businesses, civil society organizations, and journalists on using open data for monitoring and investigation.[40]

The Open Data Competence Center and the Ministry of Digital Transformation carried out a number of activities under the Transparency and Accountability in Public Administration and Services (TAPAS) project supported by USAID and UK Aid. The Open Data Competence Center developed case studies on open data impact in areas such as health, ecology, and economy,[41] and created a toolkit on using open data to monitor businesses, public funds, court decisions, the environment, and other areas.[42] The Ministry of Digital Transformation started an educational campaign and training on open data during the war.[43] In December 2022, the ministry launched the Open Data Services Support competition for open data projects for the recovery of Ukraine from the war.[44] After the implementation period, the ministry conducted a comparative analysis of Ukraine's open data policies and legislation with EU data regulations.[45]

Despite these achievements, the war significantly impacted Ukraine's work on open data, with the temporary closure of many state-owned resources. Nevertheless, according to statistics, the

number of datasets published on the Unified Open Data portal increased from about 59,000 to over 73,500 between mid-2021 and mid-2023.[46] While it is not possible to draw direct linkages, the capacity building efforts of the Open Data Competence Center and the Ministry of Digital Transformation likely helped increase the number and quality of the datasets by central and regional governments and the usage of open data by businesses and civil society. In the European Data Portal's 2022 Open Data Maturity Report, Ukraine ranked second among the EU27+ countries and was recognized as an open data" Trend Setter".[47] The report noted that Ukraine continued to excel in open data policy and quality, despite the ongoing war.

Looking ahead

In time, the Open Data Competence Center can bring sustainable change to open data management in Ukraine. Although the Open Data Competence Center is not included in Ukraine's draft sixth action plan, the draft plan includes a commitment on resuming the publication of open data to the Unified Open Data Portal. The commitment will involve updating the structure of datasets on the portal to open and machine-readable format, in particular those to which access is restricted due to martial law. It will also entail disclosing datasets on the damage caused by military actions and datasets necessary for post-war reconstruction. The IRM recommends allowing the public and other stakeholders to easily monitor open data publication and usage through assessments of data completeness and quality by providing relevant recommendations to data holders.

[1] See: https://usr.minjust.gov.ua (not available at the time of writing this report due to security reasons).

[2] "Beneficial owner: What is inside Ukrainian business register?" Anti-Corruption Action Center-The White Collar Hundred, 2019, https://project.liga.net/projects/beneficiar.

[3] "IRM Transitional Results Report: Ukraine 2018–2020," Open Government Partnership, 23 June 2021, https://www.opengovpartnership.org/documents/ukraine-transitional-results-report-2018-2020.

[4] "Entrance exam for Ukraine: What we should do to implement EU recommendations," Reanimation Package of Reforms Coalition, 2022, https://rpr.org.ua/wp-content/uploads/2022/12/RPR-Coalition_Entrance-Exam-for-Ukraine.pdf; The audit was carried out by YouControl, Transparency International Ukraine, Open Up Ukraine Initiative, and the Innovating Governance Association.

[5] "Ukraine End-of-Term Self-Assessment 2020–2022," Cabinet of Ministers, 22 May 2023, https://www.opengovpartnership.org/documents/ukraine-end-of-term-self-assessment-2020-2022.

[6] "Law 2571-IX on amendments to laws improving the regulation of ultimate beneficial ownership and the ownership structure of legal entities," Parliament of Ukraine, 6 September 2022, https://zakon.rada.gov.ua/laws/show/en/2571-20#Text.

[7] "Entrance exam for Ukraine: What we should do to implement EU recommendations," Reanimation Package of Reforms Coalition; Oleksiy Orlovsky (International Renaissance Foundation), interview by IRM researcher, 26 June 2023

[8] See: https://zakon.rada.gov.ua/laws/show/z0768-21#Text.

[9] "Cabinet of Ministers Resolution No. 263 on issues of ensuring the functioning of information and communication systems, electronic communication systems, public electronic registers in the conditions of martial law," Parliament of Ukraine, 12 March 2022, https://zakon.rada.gov.ua/laws/show/263-2022-%D0%BF#Text.

[10] "An open statement from RISE regarding the complete opening of the USR," RISE Ukraine, https://www.rise.org.ua/blog/an-open-statement-from-rise-regarding-the-complete-opening-of-the-usr.

[11] "Ukraine End-of-Term Self-Assessment 2020–2022," Cabinet of Ministers.

[12] See: https://www.csdf.org.ua/cbv/en/menu.

[13] "Ukraine End-of-Term Self-Assessment 2020–2022," Cabinet of Ministers.

[14] "Entrance exam for Ukraine: What we should do to implement EU recommendations," Reanimation Package of Reforms Coalition.

[15] Olesya Arkhypska (Co-Chair of Coordination Council; Transparency International Ukraine), interview by IRM researcher, 15 June 2023.

[16] "Leveraging OGP action plans to meet EU membership requirements," Open Government Partnership, https://www.opengovpartnership.org/leveraging-ogp-action-plans-to-meet-eu-membership-requirements.

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[17] "Entrance exam for Ukraine: What we should do to implement EU recommendations," Reanimation Package of Reforms Coalition.

[18] "Ukraine End-of-Term Self-Assessment 2020–2022," Cabinet of Ministers.

[19] "Law on Amendments to Legislative Acts on Ensuring Transparency in the Extractive Industries," Parliament of Ukraine, 16 December 2021, https://zakon.rada.gov.ua/laws/show/en/1974-20#Text.

[20] "A series of trainings on the use of the online reporting system of the Extractive Industries Transparency Initiative (EITI) was held," Ukraine EITI, 11 February 2021, https://eiti.org.ua/2021/02/provedeno-tsykl-treninhiv-iz-vykorystannia-onla-n-systemy-podannia-ta-analizu-zvitnosti-initsiatyvy-prozorosti-vydobuvnykh-haluze-ipvh; "Mining companies have undergone training on the peculiarities of submitting reports on payments to the state," Ukraine EITI, 31 August 2021, https://eiti.org.ua/2021/08/vydobuvni-pidpryiemstva-proyshly-treninh-shchodo-osoblyvostey-podannia-zvitiv-pro-platezhi-na-koryst-derzhavy; "Online training on report on payments to the state: features of online submission in 2022," Ukraine EITI, 21 June 2022, https://eiti.org.ua/2022/06/didzhytalizatsiia-u-vydobuvnomu-sektori-ukrainy; "A training was held for representatives of companies in the extractive industries reporting to EITI," Ukraine EITI, 25 August 2022, https://eiti.org.ua/2022/08/vidbuvsia-treninh-dlia-predstavnykiv-kompaniy-pidzvitnykh-vydobuvnykh-haluzey-ipvh.

[21] See: https://eiti.gov.ua/pro-iniciativu-prozorosti/poryadok-zvituvannya.

[22] "Strategic session on the development of the Data Portal of the Mining Industry of Ukraine," Ukraine EITI, 11 October 2022, https://eiti.org.ua/2022/10/stratehichna-sesiia-z-rozvytku-portalu-danykh-vydobuvnoi-haluzi-ukrainy; "Data transparency of the extractive sector after the war," New Energy, 14 October 2022, https://nova-energiya.org/prozorist-danix-vidobuvnogo-sektoru-pislya-vijni.

[23] See: https://eiti.gov.ua/media-public/documents.

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Section III. Participation and Co-Creation

The Coordination Council, which serves as Ukraine's OGP multistakeholder forum, continued to meet regularly during the fifth action plan cycle, including after the start of Russia's full-scale military invasion. Several public discussions, mostly online, took place throughout the implementation period.

The Secretariat of the Cabinet of Ministers oversees the OGP process in Ukraine. There was no change of leadership or point of contact during the implementation of the fifth action plan. The Coordination Council, Ukraine's OGP multistakeholder forum, comprises an equal number of representatives from the government and civil society with seven each.

The State Secretary of the Cabinet of Ministers is the ex-officio co-chair from the government side, while the civil society co-chair is elected by civil society members. Government members were assigned based on their position, while civil society members were selected on a competitive basis. The selection committee consists of representatives of international organizations who are engaged in OGP thematic policy areas and/or supporting specific commitments. The most recent selection of civil society members was in May 2021.[1] Most civil society members selected to the council were new to it and covered diverse areas of expertise, including anti-corruption, youth work, human rights, infrastructure transparency, and community associations.[2] Some members also served as partners for commitments in the action plan.

The Coordination Council met three times in 2021 and twice in 2022, mostly online.[3] In March 2021, the action plan was presented at an online "open marathon" where participants could ask questions and offer their cooperation for the commitments.[4] The Secretariat of the Cabinet of Ministers and lead government agencies organized meetings with stakeholders to develop the framework of commitments on beneficial ownership verification, gender-disaggregated data, extractive industries, and open science. The Secretariat of the Cabinet of Ministers and the Coordination Council organized 105 national and regional events during Open Government Week in 2021, and three during Open Government Week in 2022.[5] After Russia's full-scale invasion in February 2022, some CSOs shifted their focus to providing humanitarian aid, limiting their involvement in the OGP process.

Compared to the previous action plan, the fifth action plan saw more frequent Coordination Council meetings and greater participation of CSOs,[6] who helped push forward implementation of several commitments while the government focused on the war. The council meetings were generally open to interested parties. However, the meetings were not announced beforehand, and participation was invitation-only with little space for organizations outside of the council to discuss implementation. Stakeholders believe that future implementation would benefit from better public awareness and more engagement from responsible state agencies.

The government published reports on commitment implementation on its website at least once every six months in PDF. These reports included links to evidence for some, but not all, commitments in the fifth action plan. One civil society stakeholder suggested that Ukraine could operate a special repository with different levels of access for government, council members, and the public. This would allow the government and the council to discuss OGP documents prior to publication.

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Compliance with the minimum requirements
The IRM assesses whether member countries met the minimum requirements under OGP's Participation and Co-Creation Standards for the purposes of procedural review. According to the Action Plan Review, Ukraine acted according to OGP process during co-creation of the action plan.[7] During implementation, countries are required to maintain an OGP repository and provide the public with information on implementation of the action plan. The repository must be online, updated at least once during the action plan cycle, and contain evidence of development and implementation of the action plan. Based on these requirements, Ukraine acted according to OGP process during the implementation period.[8]

Key:
Green: Meets standard
Yellow: In progress (steps have been taken to meet this standard, but not met)
Red: No evidence of action

Acted according to OGP process during the implementation period?	
The government maintained an OGP repository that is online, updated at least once during the action plan cycle, and contains evidence of development and implementation of the action plan. The Secretariat of the Cabinet of Ministers published status reports on the action plan at least once every six months during the implementation period (upon its approval by the Coordination Council).[9] The reports contained links to evidence for some, but not all, commitments and are accessible on the OGP section of the government website.	Yellow
The government provided the public with information on the action plan during the implementation period. The government published status reports on the action plan at least once every six months during the implementation period. The Coordination Council held four online meetings between 2021 and 2022 to discuss action plan implementation. The minutes of meeting were published on the government website.[10]	Green

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[8] Future IRM assessment will focus on compliance with the updated OGP Co-Creation and Participation Standards that came into effect on 1 January 2022. See: "OGP Participation and Co-Creation Standards," Open Government Partnership, https://www.opengovpartnership.org/ogp-participation-co-creation-standards.

[9] "Plans, reports," Cabinet of Ministers, 14 December 2022, https://www.kmu.gov.ua/gromadskosti/gromadyanske-suspilstvo-i-vlada/partnerstvo-vidkritij-uryad/plani-zviti.

[10] "Coordination Council minutes of meetings," Cabinet of Ministers, https://www.kmu.gov.ua/gromadskosti/gromadyanske-suspilstvo-i-vlada/partnerstvo-vidkritij-uryad/pro-iniciativu/protokoly-zasidan.

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Section IV. Methodology and IRM Indicators

This report supports members' accountability and learning through assessment of (i) the level of completion for commitments' implementation, (ii) early results for commitments with a high level of completion identified as promising or that yielded significant results through implementation, and (iii) participation and co-creation practices throughout the action plan cycle. The IRM commenced the research in June 2023 with the development of a research plan, preliminary desk research, and verification of evidence provided in the country's OGP action plan implementation reports.[1]

In 2022, OGP launched a consultation process to co-create a new strategy for 2023–2028.[2] The IRM will revisit its products, process, and indicators once the strategy co-creation is complete. Until then, Results Reports continue to assess the same indicators as previous IRM reports.

Completion
The IRM assesses the level of completion for each commitment in the action plan, including commitments clustered in the Action Plan Review.[3] The level of completion for all commitments is assessed as one of the following:
- *No evidence available*
- *Not started*
- *Limited*
- *Substantial*
- *Complete*

Did It Open Government?
The IRM assesses changes to government practices that are relevant to OGP values, as defined in the OGP Articles of Governance, under the "Did it open government?" indicator.[4] To assess evidence of early results, the IRM refers to commitments or clusters identified as promising in the Action Plan Review as a starting point. The IRM also takes into account commitments or clusters with a high level of completion that may not have been determined as "promising" but that, as implemented, yielded significant results. For commitments that are clustered, the assessment of "Did it open government?" is conducted at the cluster level, rather than the individual commitment level. Commitments or clusters without sufficient evidence of early results at the time of assessment are designated as "no early results to report yet." For commitments or clusters with evidence of early results, the IRM assesses "Did it open government?" as one of the following:
- *Marginal:* Some change, but minor in terms of its effect on level of openness
- *Major:* A step forward for government openness in the relevant policy area but remains limited in scope or scale
- *Outstanding:* A reform that has transformed "business as usual" in the relevant policy area by opening government

This report was prepared by the IRM in collaboration with Tatevik Margaryan and was reviewed by Andy McDevitt, IRM external expert. The IRM methodology, quality of IRM products and review process is overseen by the IRM's International Experts Panel (IEP). The current IEP membership includes:
- Snjezana Bokulic

- Cesar Cruz-Rubio
- Mary Francoli
- Maha Jweied
- Rocio Moreno Lopez

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual[5] and in Ukraine's Action Plan Review 2021-2022. For more information, refer to the "IRM Overview" section of the OGP website.[6] A glossary on IRM and OGP terms is available on the OGP website.[7]

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[1] "Plans, reports," Cabinet of Ministers, 14 December 2022, https://www.kmu.gov.ua/gromadskosti/gromadyanske-suspilstvo-i-vlada/partnerstvo-vidkritij-uryad/plani-zviti.

[2] See: "Creating OGP's Future Together: Strategic Planning 2023–2028," Open Government Partnership, https://www.opengovpartnership.org/creating-ogps-future-together.

[3] The IRM clusters commitments that share a common policy objective during the Action Plan Review process. In these instances, the IRM assesses "potential for results" and "Did it open government?" at the cluster level. The level of completion is assessed at the commitment level. For more information on how the IRM clusters commitments, see: Section IV on Methodology and IRM Indicators of the Action Plan Review.

[4] See: "Open Government Partnership Articles of Governance," Open Government Partnership, 17 June 2019, https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP_Articles-of-Governance_2019.pdf.

[5] "IRM Procedures Manual, v3," Open Government Partnership, 16 September 2017, https://www.opengovpartnership.org/documents/irm-procedures-manual.

[6] "IRM Overview," Open Government Partnership, https://www.opengovpartnership.org/irm-guidance-overview.

[7] "OGP Glossary," Open Government Partnership, https://www.opengovpartnership.org/glossary.

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Annex I. Commitment Data[1]

Commitment 1: Improve budget transparency and implementation of e-contracts	
• **Verifiable:** Yes • **Does it have an open government lens?** Yes • **Potential for results:** Substantial	• **Completion:** Limited • **Did it open government?** Marginal

This commitment aimed to improve the Budget for Citizens module on the openbudget.gov.ua platform to publish information on budget program indicators in machine-readable format. It also planned to launch an e-contracting module for all transactions with public institutions and state bodies.

In December 2020, Ukraine's Budget Code was supplemented with a list of data subject to mandatory disclosure on the official websites of territorial communities or through other channels as per the Law on Access to Public Information.[2] The Ministry of Finance piloted the new openbudget.gov.ua module, which allows publication of new local budget data such as budget requests, revisions and executions of budget program passports,[3] local budget forecasts, draft and final decisions on local budget by state administrations and local councils, and amendments to these decisions.[4] According to the Ministry of Finance, as of July 2023, the portal holds information on 1,153 local budget documents in JSON and PDF formats, whereas more than 72% of local governments publish budget program indicators.[5] The budget program indicators allow users to compare revenues and spending in comparison to planned amounts in percentages. However, few territorial communities publish budget requests or decisions on the platform.[6] Although these decisions are available in PDF format on territorial community websites, the legislation does not mandate their publication on the platform.

The e-contracting module was not completed. The Ministry of Finance came to an agreement with stakeholders that only procurement contracts—not all transactions—would be processed electronically as a first step.[7] Prozorro took on the implementation and piloted a module of the e-procurement system.[8] According to the government report, the first stage of the system has been implemented as of June 2023, namely the option to use agreement templates for certain categories of goods in the ProzorroMarket electronic catalog. Alongside the Ministry of Economy, Prozorro is improving these templates so that they can be automatically filled out with information from the e-procurement system and signatory details. After the finalization of the templates, the e-contract module will be integrated into the e-procurement system and the State Treasury's automated system.[9]

With the support of the EU for Integrity Programme for the Eastern Partnership, Transparency International Ukraine analyzed public procurement legislation and exchanged data between Prozorro and the State Treasury Service and launched the Business Intelligence module to facilitate analysis of public procurement contracts. Transparency International Ukraine then presented its recommendations on improvements to the Prozorro platform, particularly ways of filling in gaps left by missing data.[10]

After martial law announcement, the Cabinet of Ministers initially adopted a resolution allowing procurers to conduct procurement without tenders. Further amendments reinstated procurement through Prozorro, so that only defense-related procurement could be conducted without tender procedure.[11] In May 2023, the government adopted additional legal acts to improve procurement transparency in the defense sector and require publication of all relevant procurement reports after the end of martial law.[12] Full restoration of procurement transparency once martial law ends would be key to the implementation of e-contracting.

The IRM assessed the commitment results as marginal. While the new module of the open budget platform was launched, not all territorial communities provide machine-readable budget information through it. The template agreements for e-contracting, prepared for procurement contracts, were not introduced. Legislative amendments are still needed to require local governments to publish their budget information and decisions on the open budget portal, and to introduce e-contracting for all public procurement transactions.

Commitment 2: Ensuring transparency in public asset accounting

- **Verifiable:** Yes
- **Does it have an open government lens?** Yes
- **Potential for results:** Modest

- **Completion:** Limited
- **Did it open government?** No early results to report yet

In 2020, over one million state-owned assets were registered in Ukraine, but state property data were incomplete or not reliable. This commitment aimed to create an integrated, online digitized register for the Unified Register of State-Owned Assets to incorporate all state-owned property data in one platform. The register would provide relevant data on state-owned assets on the Unified Open Data Portal and include property geolocations.[13]

The parliament passed draft amendments to the Law on State Property Fund in the first reading and other legal acts on the privatization of national and municipal properties in July 2021.[14] The draft law provides interconnection between the data held by the Unified State Register of Legal Entities, Private Entrepreneurs, and Civic Associations and the State Register of Real Property Rights, in order to form the reference of the Unified Register of State-Owned Assets. Amendments to the Administrative Code and the Criminal Procedure Code were adopted in the first reading after the implementation period in May 2023.[15] Once they passed second reading in the parliament, these amendments will provide sanctions for late or incorrect state-owned property information sent to the Unified Register of State-Owned Assets.

Under a project funded by the Embassy of the United Kingdom in Ukraine, Transparency International Ukraine analyzed existing data on the Unified Register of State-Owned Assets in July 2021 and presented its recommendations for a new system to the State Property Fund of Ukraine (SPFU).[16] Due to Russia's invasion of Ukraine, work on the system was suspended in 2022. Change in SPFU leadership brought new approaches towards the steps of implementing the register, while Transparency International Ukraine dropped out of implementation.

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At the time of writing this report, the SPFU was developing terms of reference for the register alongside the Ministry of Digital Transformation.[17] The register will collect state assets data and assist the government in decisions to privatize or sell state assets. State asset information will also be open to the public with the exclusion of sensitive data related to strategic objects. The SPFU is discussing how to exchange data with state electronic resources, particularly ProzorroSale as well integration with the Digital Restoration Ecosystem for Accountable Management (DREAM) platform to keep records of war damaged state properties.

Commitment 3: Creation of a distance learning system on the Unified State Web-Portal of Digital Education for general high school students and teachers

- **Verifiable:** Yes
- **Does it have an open government lens?** Yes
- **Potential for results:** Modest

- **Completion:** Complete
- **Did it open government?** Marginal

The commitment aimed to provide access to educational resources for remote learning. It involved creating a distance education courses on the Unified State Web Portal of Digital Education for general school students and teachers.

The Ministry of Education and Science, the Ukrainian Institute for the Development of Education, and the Ministry of Digital Transformation launched the All-Ukraine School Online platform in December 2020.[18] It offers videos, reading materials, and tests for students of grades 5–11. In March 2021, the platform became part of Diia's Digital Education portal.[19] In April 2021, a teacher profile tool was added to help teachers organize virtual classes and track student progress. A mobile application which provides access to all materials on the platform and offers discussion tools was also launched. By April 2022, the platform hosts 2,200 lessons and 73 courses on 18 school subjects. All materials undergo assessment by experts for their compliance with education, accessibility, and visualization standards. The platform provides teachers with examples of the use of modern educational technologies.[20] The government is cooperating with European organizations to develop content for all compulsory subjects of grades 1–4 (primary school level) which will be available by 2023.[21]

The platform aimed to provide distance learning for children during the COVID-19 pandemic, particularly those who miss classes and diaspora children in other countries. The platform has also helped provide distance learning following the start of Russia's invasion in February 2022, which disrupted the education of more than five million children.[22] According to stakeholders, almost 400 thousand users from over 120 countries receive their education on the platform,[23] while the number of visits and video views reached 12 million by May 2023.[24] However, in terms of improving opening government, the commitment's results have been marginal in advancing transparency, participation, or accountability in educational policies or institutions.

Commitment 4: Implementing the state open science policy

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• **Verifiable:** Yes • **Does it have an open government lens?** Yes • **Potential for results:** Unclear	• **Completion:** Substantial • **Did it open government?** No early results to report yet

The commitment aimed to approve the National Open Science Plan, which would promote the openness of scientific and educational data as well as facilitate access to research, publications, and data for scientists, educators, entrepreneurs, and citizens.

In June 2021, a working group prepared a draft of the plan and presented it to the Ministry of Education and Science. The start of Russia's invasion of Ukraine delayed its approval, but the Cabinet of Ministers adopted the plan in October 2022.[25] In September 2022, the Cabinet of Ministers approved the Regulations on the National Electronic Scientific Information System, which would be a single access point for information on scientists, scientific projects, raw data, and other resources.[26] A representative of the Ministry of Education and Science mentioned limited human resources and technical capacity as challenges in implementing the plan. The ministry also seeks implementation support from international donors.[27] The working group also prepared draft amendments to the Law on Scientific and Scientific Technical Activity to cover open science concepts and definitions. The group consulted the academic community while drafting the amendments, which had not been adopted yet by June 2023.[28]

Improvements were made to the National Repository of Academic Texts, launched in 2018 during the previous OGP action plan. The repository provides open access to scientific and teaching materials, reports, textbooks, publications, monographs, and dissertations for scientific degrees.[29] As a result of the current commitment, the academic texts contained in the repository are now searchable in the databases of anti-plagiarism programs.[30] The process of integrating local repositories into the national repository is ongoing.[31] There is also a need to revise the Law on Scientific and Technical Information which regulates academic and scientific institutions in accordance with current technologies and open data policies.

A contributing factor that enabled the implementation of this commitment was Ukraine's membership in the European Open Science Cloud as well as the open science requirements of Horizon Europe,[32] both of which became more important following Ukraine's EU membership candidacy in June 2022. As a next step, the Ministry of Education and Science is developing a draft order for the publication of qualifying graduation theses of higher education students, dissertations, reviews of official dissertation opponents and recording files of the academic council meeting on the National Repository of Academic Texts.

The commitment has not yet shown early results in changing government practices. Once implemented, the plan will open information managed by the Ministry of Education and Science, which will be easily accessible when the National Electronic Scientific Information System is established. The publication of qualifying dissertations will allow users to check the dissertation texts with antiplagiarism programs and report fraud, potentially providing better accountability of the academic councils that assign scientific degrees.

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Commitment 5: Set up an online platform on patenting & innovation development	
• **Verifiable:** Yes • **Does it have an open government lens?** No • **Potential for results:** Unclear	• **Completion:** Complete • **Did it open government?** No early results to report yet

This commitment aimed to create an online platform of patents and innovations. It also entailed training businesses as well as higher education and research institutions to increase Ukraine's potential for innovation.

The Science to Business (S2B) platform was developed through the Advisory Fund for EU Association of Ukraine project funded by GIZ, who then transferred ownership of the platform to the Ministry of Education and Science. The ministry piloted the platform during the Science & Business Startup Bootcamp and has been operating it since February 2022 as a module of the National Electronic Scientific Information System.[33] Alongside the Ministry of Economy and the Ministry of Digital Transformation, they conducted research on Ukraine's innovation needs among businesses and published a report in October 2020, prior to the action plan period.[34]

In March 2021, the Ministry of Economy and the Ukrainian Institute of Intellectual Property held four webinars on copyright and related rights, covering European best practices, and another webinar on the commercialization of intellectual property rights in Ukraine with further support from GIZ.[35] The S2B platform will facilitate exchange on research between scientists and businesses and help the government decide which innovations to support. However, it has not made public policy, institutions, or decision-making processes more transparent, participatory, or accountable. As of October 2023, 813 users are registered on the platform (of which 764 are scientists and 49 are entrepreneurs) and 94 proposals for the implementation of scientific research and 29 for cooperation were received.[36] For better results, the government could, for example, use the S2B platform to improve public access to information on registered patents and scientific developments.

Commitment 6: Application of a unified approach to the verification of beneficiary holders	
• **Verifiable:** Yes • **Does it have an open government lens?** Yes • **Potential for results:** Modest	• **Completion:** Substantial • **Did it open government?** Marginal

This commitment is assessed in Section II.

Commitment 7: Application of e-democracy instruments for interactions between executive authorities, the public, and civil society	
• **Verifiable:** Yes	• **Completion:** Limited

• **Does it have an open government lens?** Yes • **Potential for results:** Modest	• **Did it open government?** No early results to report yet

This commitment aimed to develop new functionalities on the VzaemoDiia platform to support citizen participation, such as e-consultations on draft legislation, e-polls, submission of appeals, e-petitions, requests for information, and voting for members of public councils in state bodies.

Following Russia's invasion, VzaemoDiia was closed to prevent external interference.[37] The only module that remained accessible was the grant competition module. This module was developed during the previous OGP action plan but launched during the current action plan after the Cabinet of Ministers adopted relevant regulations in August 2021.[38] It is used by a limited number of state agencies and regional administrations. For example, the Ministry of Youth and Sport collected 373 grant applications through the platform in 2021–2022.[39] The platform was the subject of a cyberattack in 2022, and the feature of submitting grant applications was temporarily suspended.[40] However, the platform continues to be used for publishing grant announcements and information about the competition results.

The government is in discussions with the Swiss-Ukrainian E-Governance for Accountability and Participation (EGAP) program[41] on the final concept of VzaemoDiia. The initial plan might be modified to account for the availability of EGAP's e-dem.ua platform at the local level. Over 330 communities have joined this platform by July 2023, and it partly covers the functionalities planned for VzaemoDiia for local level participation. The use of the platform is not mandated by law but based on decisions of local governments.[42] At the same time, legislation to mandate public consultations by central government bodies is awaiting a second reading in the parliament.[43] This law would mandate a systematic approach to public consultations, guiding the introduction of e-consultation for the central government.

Stakeholders believe the VzaemoDiia platform is an important space for government-civil society communication.[44] The Ministry of Digital Transformation plans to complete this commitment outside the OGP framework based on the revised concept of the platform.

Commitment 8: Introducing the electronic system for extractive industry reporting

• **Verifiable:** Yes • **Does it have an open government lens?** Yes • **Potential for results:** Substantial	• **Completion:** Substantial • **Did it open government?** Marginal

This commitment is assessed in Section II.

Commitment 9: Establishing the National Centre for Open Data Competence

• **Verifiable:** Yes	• **Completion:** Complete

• **Does it have an open government lens?** Yes • **Potential for results:** Modest	• **Did it open government?** Marginal

This commitment is assessed in Section II.

Commitment 10: Ensuring digital accessibility for persons with disabilities

• **Verifiable:** Yes • **Does it have an open government lens?** Yes • **Potential for results:** Modest	• **Completion:** Substantial • **Did it open government?** Marginal

The commitment aimed to ensure digital access to information and participation for persons with disabilities.

With support of the United Nations Development Program (UNDP), two studies were conducted to provide recommendations to improve legislation and technical solutions for digital accessibility.[45] The first study assessed 82 websites and seven e-government platforms, concluding that none of these sources were fully accessible for persons with disabilities.[46] The second study analyzed the technical standards and guidelines for mobile accessibility in 14 countries.[47] The Ministry of Digital Transformation and UNDP presented the results to stakeholders in September 2021.[48]

In May 2022, the Ukrainian Scientific Research and Training Center for Standardization, Certification, and Quality Problems adopted a national standard on ICT products and services that is harmonized with European standards.[49] The standard contain criteria for developers to make their products accessible for persons with disabilities. To require compliance of all government websites and applications with the new standards, including transition for existing web resources, the Ministry of Digital Transformation drafted a resolution, but the government has yet to approve it.[50]

On 21 July 2023 (after the action plan period), decree No. 757 of the Cabinet of Ministers of Ukraine was adopted.[51] According to the resolution, all websites and mobile applications of state executive authorities, as well as electronic documents posted on them, must be accessible to people with disabilities. Accordingly, services provided on websites and mobile applications that meet the specified requirements are considered accessible.

This commitment has had marginal results in opening government. The new standard for ICT products and services provides a basis for institutional changes, but results will only be seen after the government adopts the accessibility standard and once public bodies implement it on their e-governance websites and mobile applications.

Commitment 11: Facilitating more active participation by the youth in forming and implementing state policy and addressing local issues

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• **Verifiable:** Yes • **Does it have an open government lens?** Yes • **Potential for results:** Unclear	• **Completion:** Substantial • **Did it open government?** Marginal

This commitment aimed to equip young people with public participation tools and improve the capacity of civil servants and civil society in engaging young people.

The Ministry of Youth and Sports alongside the Civil Society Development Forum held nationwide workshops for 80 representatives of youth councils and centers on direct participation in public life.[52] These workshops covered the roles of youth councils, youth centers, and youth NGOs in participatory budgeting, petitions, consultations, and public hearings. In collaboration with the Youth Platform NGO, the Civil Society Development Forum, and the Council of Europe, the ministry also conducted trainings for over 100 representatives of local youth councils and youth advisory bodies, as well as a national forum on youth centers that was held in Lviv in October 2021 with 70 participants.[53]

The Civil Society Development Forum and the Council of Europe developed the CivicLab Methodology and online certification course on innovative approaches and digital tools for conducting and assessing participatory processes.[54] Graduates of the course facilitated consultations with young people to assist the government in developing legal amendments to the standards of youth centers and advisory bodies. A representative of the Civil Society Development Forum noted that the engagement of trained facilitators significantly accelerated the consultations and contributed to more effective participation process.[55]

The capacity building aligned with the Council of Europe's Youth for Democracy in Ukraine project, which was launched in 2020 and enabled the implementation of some activities in this commitment.[56] Other contributing factors included the Youth Strategy 2030,[57] the Law on Youth Policy Main Principles,[58] and the Youth of Ukraine 2021–2025 state program.[59]

With UNDP support, the Ministry of Youth and Sport developed three modules of the Civic Education for Youth Workers training program. These modules cover concepts of citizenship, democracy, human rights, engaging youth in policymaking, and civic education initiatives development and advocacy. A training course for youth workers was held between March and May 2021, and then modified based on feedback from trainers, participants, and partners.[60] The course is not yet available online.

The commitment helped promote the involvement of young people in policymaking through capacity building and consultations. However, the IRM assesses the results as marginal because the activities have not yet fundamentally changed government practices of involving young people in decision making. The Youth Strategy 2030 and other related regulations are expected to improve youth participation but fall beyond the scope of this commitment.

Commitment 12: Opening access to information on general-use roads of national and local importance

• **Verifiable:** Yes • **Does it have an open government lens?** Yes • **Potential for results:** Modest	• **Completion:** Limited • **Did it open government?** No early results to report yet

This commitment planned to create a database on the conditions, technical characteristics, and geolocations of national and local roads.

In 2021, the terms of reference for the required software was discussed with NGOs, academia, the State Road Research Institute, and business associations. In parallel, the Ukrainian Road Agency (Ukravtodor)[61] provided access to spatial coordinates of international, national, and regional roads on a new KM+ geocalculator portal, which included API.[62] Ukravtodor and the Ministry of Digital Transformation set up this portal in 2020 with the support of the USAID & UK Aid-funded TAPAS project.[63] Access to the portal was restricted following the start of the war.[64] The restructuring of the Ministry of Infrastructure in December 2022 brought new priorities, and there was no agreement among stakeholders on the final setup of the project. Meanwhile, the ministry faced funding shortages as government budget was redirected for national security needs.[65]

In November 2022, the Cabinet of Ministers adopted a resolution on the implementation of a new infrastructure system as an experimental project. The resolution aimed to create, implement, and maintain a unified digital system for managing the infrastructure reconstruction process. Based on the resolution, the Ministry for Communities, Territories, and Infrastructure Development of Ukraine alongside RISE Ukraine (a coalition of Ukrainian and international organizations) piloted a single digital source on reconstruction in 2023 after the action plan implementation period. The project, named Digital Restoration Ecosystem for Accountable Management (DREAM), will collect all project data in user-friendly tables, graphs, and charts using the Open Contracting Data Standard.[66] The platform will provide information on road damage and renovations, allowing public oversight on the war-affected roads.

The government plans to approve a national recovery strategy for the updated National Transport Strategy, named Drive Ukraine 2030. The strategy will inform the software for collecting and publishing information on road networks and the technical characteristics of roads.[67] In addition, the government's anti-corruption program adopted in June 2022 will create an open map of road construction and repair, the tenders, and contracts to avoid duplicate work on the same sites. The activities under these different strategies should be coordinated for better effectiveness.

Commitment 13: Creation of additional infrastructure project monitoring

• **Verifiable:** Yes • **Does it have an open government lens?** Yes • **Potential for results:** Substantial	• **Completion:** Limited • **Did it open government?** No early results to report yet

This commitment aimed to create single identifiers for all infrastructure project contracts to make it easier to monitor projects across different platforms.

In 2021, a team of developers received proposals for single identifiers based on the OC4IDS standard.[68] The developers met with Prozorro, CoST Ukraine, and government agencies to discuss the system. This work was discontinued after the start of the war. Moreover, CoST Ukraine, an important partner in infrastructure transparency and monitoring, closed its office and no longer maintains its Transparent Infrastructure portal,[69] although there were plans to transfer the portal to the government.[70] The DREAM platform, piloted in 2023 after the end of the action plan under Commitment 12, will publish data on reconstruction projects across all stages and in real-time, in line with the Open Contracting Data Standard.[71] Although DREAM will partly cover transparency of infrastructure recovery projects, the lack of unique identifiers means that researchers will still have to conduct a complicated search for project-related procurements. Furthermore, DREAM covers mainly post-war reconstruction works and not all types of infrastructure projects.

Commitment 14: Ensuring open access to gender-disaggregated data

• **Verifiable:** Yes • **Does it have an open government lens?** Yes • **Potential for results:** Modest	• **Completion:** Limited • **Did it open government?** No early results to report yet

The commitment aimed to ensure access to gender-disaggregated data from state registers.

The Secretariat of the Cabinet of Ministers discussed the commitment with the Government Commissioner for Gender Policy, the Ministry of Social Policy, the State Statistics Service, civil society, and international organizations.[72] Upon review of their datasets and registers, government agencies did not identify a need for new regulations or amendments in this area.[73]

In the action plan period, the State Statistical Service introduced a gender disaggregation feature for statistical data on legal persons, reflecting the number of men and women registered as founders of legal organizations. The State Statistical Service also provided recommendations on data collection for other state agencies, including on disaggregation of data by gender where applicable.[74] However, because state agencies have several registries under their jurisdiction, there is a need to ensure that all relevant data holders collect and publish gender-disaggregated data. In 2023, after the implementation period, the Ministry of Digital Transformation started work on a case study on gender aspects in open data, which will provide a basis for further implementation of the commitment.

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[1] **Editorial notes:**

    1. For commitments that are clustered, the assessment of potential for results and "Did it open government?" is conducted at the cluster level, rather than the individual commitment level.

2. Commitment short titles may have been edited for brevity. For the complete text of commitments, see: "Ukraine 2020–2022 action plan," Cabinet of Ministers, 3 March 2021, https://www.opengovpartnership.org/documents/ukraine-action-plan-2020-2022.

3. For more information on the assessment of the commitments' design, see: "Ukraine 2021–2022 Action Plan Review," Open Government Partnership, 9 November 2021, https://www.opengovpartnership.org/documents/ukraine-action-plan-review-2021-2022.

[2] "Budget Code of Ukraine, adopted in 2010, incorporation of amendments as of 1 July 2023," Parliament of Ukraine, 12 July 2023, https://zakon.rada.gov.ua/laws/show/en/2456-17#Text, Article 28.

[3] According to the Budget Code of Ukraine, budget program passport is a document defining the purpose, tasks, directions of use of budget funds, responsible executors, performance indicators and other characteristics of the budget program in accordance with the budget purpose established by the Law on the State Budget of Ukraine (decision on a local budget), and the goals of state policy in the relevant field of activity, formation and/or implementation of which is provided by the key spending unit. See: "Budget Code of Ukraine, adopted in 2010, incorporation of amendments as of 1 July 2023," Parliament of Ukraine, Article 2, Clause 40.

[4] "Ukraine End-of-Term Self-Assessment 2020–2022," Cabinet of Ministers, 22 May 2023, https://www.opengovpartnership.org/documents/ukraine-end-of-term-self-assessment-2020-2022.

[5] Ministry of Finance, correspondence with IRM researcher, 11 July 2023.

[6] Oleksandra Betliy (Institute for Economic Research and Policy Consulting), interview by IRM researcher, 28 June 2023.

[7] Natalia Oksha (Coordination Council Secretary; Secretariat of the Cabinet of Ministers), interview by IRM researcher, 9 June 2023.

[8] Ministry of Finance, correspondence.

[9] "Ukraine End-of-Term Self-Assessment 2020–2022," Cabinet of Ministers; Ministry of Finance, correspondence.

[10] OGP Eastern Partnership Program, correspondence with IRM researcher, 30 June 2023.

[11] "Resolution No. 1275 on some issues of defense procurement during the period of the legal regime of martial law," Cabinet of Ministers, 11 November 2022, https://zakon.rada.gov.ua/laws/show/1275-2022-%D0%BF#Text.

[12] "Has the government made defense procurement more open?" Transparency International Ukraine, 13 June 2023, https://ti-ukraine.org/en/news/has-the-government-made-defense-procurement-more-open.

[13] "Ukraine 2020–2022 action plan," Cabinet of Ministers.

[14] "Draft Law on Amendments to the Law of Ukraine on the State Property Fund of Ukraine," Parliament of Ukraine, accessed 3 July 2023, https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=70790; and other legislative acts of Ukraine on promoting investment attraction in the process of privatization and leasing of state and communal property.

[15] "The Verkhovna Rada of Ukraine adopted in the first reading a Draft Law on Improving the State Policy of Managing State and Communal Property Objects," Parliament of Ukraine, 2 May 2023, https://www.rada.gov.ua/news/razom/236012.html.

[16] "Ukraine End-of-Term Self-Assessment 2020–2022," Cabinet of Ministers.

[17] Kristina Zelinska (Advisor to State Property Fund of Ukraine; formerly of Transparency International Ukraine), interview by IRM researcher, 26 June 2023.

[18] The All-Ukraine School online platform was developed in cooperation with Osvitoria NGO with support of a Swiss-Ukrainian project.

[19] "Ukraine End-of-Term Self-Assessment 2020–2022," Cabinet of Ministers.

[20] See: https://lms.e-school.net.ua/about.

[21] "Ukraine End-of-Term Self-Assessment 2020–2022," Cabinet of Ministers.

[22] "Ukraine war disrupts education for more than five million children: UNICEF," UN News, 23 January 2023, https://news.un.org/en/story/2023/01/1132757.

[23] "The All-Ukrainian Online School," Osvitoria, https://osvitoria.org/en/the-all-ukrainian-online-school.

[24] Roksolana Shvadchak (Ministry of Education and Science), interview by IRM researcher, 10 July 2023.

[25] "National Open Science Plan," Ministry of Education and Science, 26 January 2023, https://mon.gov.ua/storage/app/media/nauka/2023/01/26/National-Open-Science-Plan-Ukraine.pdf.

[26] Grygorii Mozolevych (Ministry of Education and Science), interview by IRM researcher, 26 June 2023.

[27] Mozolevych, interview.

[28] Mozolevych, interview.

[29] "National Repository of Academic Texts," Ukrainian Institute of Scientific and Technical Expertise and Information, https://nrat.ukrintei.ua/en.

[30] "Ukraine End-of-Term Self-Assessment 2020–2022," Cabinet of Ministers.

[31] Mozolevych, interview.

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[32] "Where is open science in Horizon Europe?" Open Science for Open Societies, 22 January 2022, https://openscience.eu/Open-Science-in-Horizon-Europe.

[33] "Science for Business in Ukraine," Ministry of Education and Science, http://s2b.nauka.gov.ua; "Ukraine End-of-Term Self-Assessment 2020–2022," Cabinet of Ministers.

[34] "The Ministry of Education and Science has published the results of a business survey on innovative activities and Ukrainian R&D Needs," Ministry of Education and Science, 28 August 2020, https://mon.gov.ua/storage/app/media/innovatsii-transfer-tehnologiy/2020/08/28.08/opituvannya-28-08-2020.pdf.

[35] "Ukraine End-of-Term Self-Assessment 2020–2022," Cabinet of Ministers.

[36] Information provided to the IRM by the Ministry of Education and Science during the pre-publication review of this report.

[37] "Ukraine End-of-Term Self-Assessment 2020–2022," Cabinet of Ministers.

[38] See the space of electronic contests: https://grants.vzaemo.diia.gov.ua.

[39] Oleksandra Radchenko (Swiss-Ukrainian E-Governance for Accountability and Participation), correspondence with IRM researcher, 30 June 2023.

[40] Mykhailo Kornieiev (Ministry of Digital Transformation), interview by IRM researcher, 29 June 2023.

[41] The program is implemented by East Europe Foundation and Innovabridge Foundation in partnership with the Ministry of Digital Transformation, and supported by the Swiss Confederation, with funding through the Swiss Agency for Development and Cooperation (SDC).

[42] Oleksandra Radchenko (Swiss-Ukrainian E-Governance for Accountability and Participation), interview by IRM researcher, 23 June 2023.

[43] "Draft Law on Public Consultations," Parliament of Ukraine, accessed 3 July 2023, https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=70235.

[44] Olesya Arkhypska (Co-Chair of Coordination Council; Transparency International Ukraine), interview by IRM researcher, 15 June 2023; Kornieiev, interview.

[45] "The Ministry of Digital Transformation, with the support of UNDP, is starting to create a digital accessibility standard," Ministry of Digital Transformation, 14 September 2021, https://thedigital.gov.ua/news/mintsifra-za-pidtrimki-proon-rozpochinae-stvorennya-standartu-tsifrovoi-dostupnosti.

[46] "Inclusion and human rights at the forefront: Accessibility of e-government services and tools for citizens in Ukraine. Study Report," United Nations Development Programme, 10 September 2021, https://www.undp.org/ukraine/publications/inclusion-and-human-rights-forefront-accessibility-e-government-services-and-tools-citizens-ukraine-study-report.

[47] "International practices on the accessibility of mobile applications of public authorities," United Nations Development Programme, 13 September 2021, https://www.undp.org/ukraine/publications/international-practices-accessibility-mobile-applications-public-authorities.

[48] "Ukraine End-of-Term Self-Assessment 2020–2022," Cabinet of Ministers.

[49] "Information technology: Requirements for accessibility of ICT products and services," DSTU EN 301 549:2022.

[50] "Promoting web accessibility: Working to make government websites in Ukraine accessible to everyone," United Nations Development Programme, https://www.undp.org/ukraine/blog/promoting-web-accessibility-working-make-government-websites-ukraine-accessible-everyone.

[51] Information provided to the IRM by the Ministry of Digital Transformation during the pre-publication review period of this report.

[52] Oleksiy Kovalenko (Civil Society Development Forum), interview by IRM researcher, 27 June 2023.

[53] "Ukraine End-of-Term Self-Assessment 2020–2022," Cabinet of Ministers; "All-Ukrainian training for representatives of youth centers in Rivne," Ministry of Youth and Sport, 3 November 2021, https://mms.gov.ua/news/vseukrayinskij-trening-dlya-predstavnikiv-molodizhnih-konsultativno-doradchih-organiv-u-rivnomu; "All-Ukrainian training for representatives of youth advisory bodies in Zhytomyr," Ministry of Youth and Sport, 21 October 2021, https://mms.gov.ua/news/vseukrayinskij-trening-dlya-predstavnikiv-molodizhnih-konsultativno-doradchih-organiv-u-zhitomiri; "All-Ukrainian training for representatives of youth centers in Lutsk," Ministry of Youth and Sport, 3 November 2021, https://mms.gov.ua/news/vseukrayinskij-trening-dlya-predstavnikiv-molodizhnih-centriv-u-m-luck; "All-Ukrainian forum on youth centers in Ukraine was held in Lviv," Ministry of Youth and Sport, 29 October 2021, https://mms.gov.ua/news/u-lvovi-vidbuvsya-vseukrayinskij-forum-molodizhni-centri-v-ukrayini.

[54] Oleksiy Kovalenko, "CivicLab: A tool for development, analysis, and forecasting of options in the decision-making process," Council of Europe, April 2022, https://rm.coe.int/civiclab-a4-web/1680a729a1.

[55] Kovalenko, interview.

[56] "Youth for Democracy in Ukraine," Council of Europe, https://www.coe.int/en/web/kyiv/youth-for-democracy-in-ukraine.

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[57] "Decree of the President of Ukraine about the National Youth Strategy 2030," Parliament of Ukraine, 3 December 2021, https://zakon.rada.gov.ua/laws/show/94/2021#Text.

[58] "The Law of Ukraine about the main principles of youth policy," Parliament of Ukraine, 4 April 2021, https://zakon.rada.gov.ua/laws/show/1414-20/ed20210427#Text.

[59] "Cabinet of Ministers Resolution No. 579 on the approval of the state targeted social program 'Youth of Ukraine' for 2021–2025 and amendments to some acts of the Cabinet of Ministers of Ukraine," Parliament of Ukraine, 2 June 2021, https://zakon.rada.gov.ua/laws/show/579-2021-%D0%BF#Text.

[60] "Training course on civic education for youth workers," Youth Worker, https://youth-worker.org.ua/news/navchalnyj-kurs-gromadyanska-osvita-dlya-molodizhnyh-praczivnykiv.

[61] Based on the Cabinet of Ministers Resolution No. 29 dated 13 January 2023, the State Road Agency was renamed the State Agency for Reconstruction and Infrastructure Development ("Recovery Agency") and merged with the State Agency for Infrastructure Projects. See: https://zakon.rada.gov.ua/laws/show/29-2023-%D0%BF#Text.

[62] See: https://kmplus.ukravtodor.gov.ua; "Ukraine End-of-Term Self-Assessment 2020–2022," Cabinet of Ministers.

[63] "Ukravtodor will provide geodata on highways of national importance," East Europe Foundation, 12 October 2020, http://oldsite.eef.org.ua/en/ukravtodor-will-provide-geodata-on-highways-of-national-importance.

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[65] Sviatoslav Abramov (Ministry of Infrastructure; formerly Executive Director of CoST Ukraine), interview by IRM researcher, 20 June 2023.

[66] "DREAM project office to be set up within Ministry for Communities, Territories, and Infrastructure Development," Ministry for Communities, Territories, and Infrastructure Development, 4 July 2023, https://www.kmu.gov.ua/en/news/pry-ministerstvi-infrastruktury-stvoriuietsia-proektnyi-ofis-dream.

[67] Abramov, interview.

[68] "Ukraine End-of-Term Self-Assessment 2020–2022," Cabinet of Ministers.

[69] See: https://portal.costukraine.org.

[70] Abramov, interview.

[71] "Digital Restoration EcoSystem for Accountable Management," Ministry for Communities, Territories, and Infrastructure Development, https://dream.gov.ua.

[72] "Ukraine End-of-Term Self-Assessment 2020–2022," Cabinet of Ministers.

[73] Oksha, interview.

[74] Olga Karmazina (State Statistics Service), interview by IRM researcher, 3 July 2023.

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