

NON-PAPER ON DYNAMICS OF COMBATING CORRUPTION

Disclaimer: this non-paper is based on official statistical data of pre-trial (General Prosecutor's Office) and judicial statistics (SJA, HACC), summarised by the NAPC, as well as data of the GRECO report, SBI and PGO.

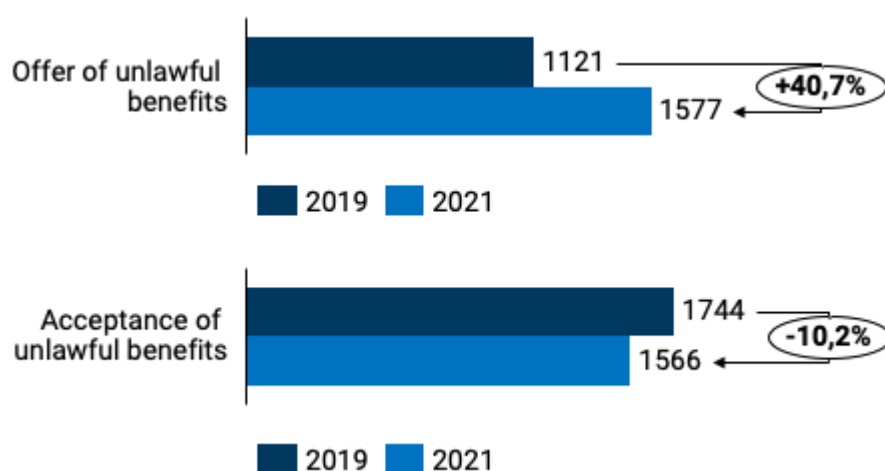
Introduction | Committed to preventing and combating corruption in order to fulfil its obligations under the EU integration process, Ukraine has taken a resolute stance towards investigating corruption offences and imposing penalties. This non-paper covers the period of 2019-2021 and includes only the most serious corruption offences, such as:

- Misuse of budget funds
- Bribery of an employee of an enterprise, institution, or organisation
- Abuse of power or office
- Abuse of power by an officials of a private entities
- Abuse of power by people providing public services
- Acceptance of an offer, promise or receipt of illegal benefit by an official
- Bribery of officials of private entities
- Illicit enrichment
- Offer, promise, or provision of unlawful benefit to an official
- Trading in influence.

The non-paper does not cover cases where the investigation was closed due to an ongoing investigation of the same case, a sentence already issued, or on the grounds of no crime found.

Data summarised by the National Agency on Corruption Prevention (NACP) | The number of cases regarding the **acceptance of unlawful benefits to officials** referred to court **decreased by 10% between 2019 and 2021**. However, the number of cases regarding the offer of unlawful benefits to officials referred to court **increased by 41% during the same period**.

Figure 1. Number of corruption cases related to the offer and acceptance of unlawful benefits

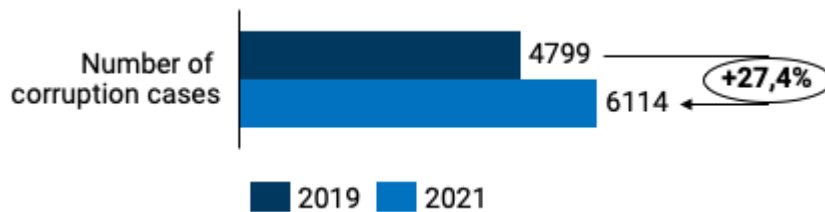


This might suggest that top officials are becoming less inclined to accept bribes and are more likely to report such offers to competent authorities. One example of it is the case of

Dnipro mayor Boris Filatov, who reported a 22 million euro bribe offer made to him in exchange for the possibility of completing the subway by defined companies.

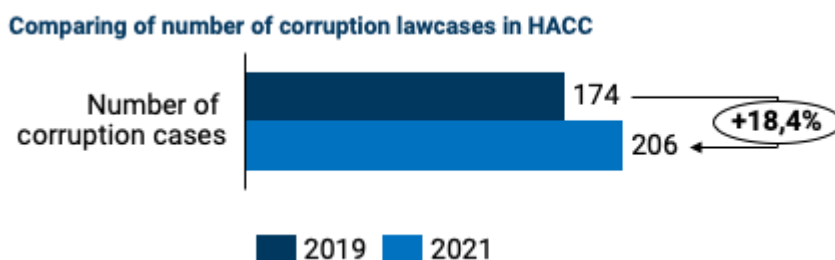
The **number of corruption cases awaiting resolution in general courts increased by 27,4%** (from 4799 cases in 2019 to 6114 in 2021).

Figure 2. Number of corruption cases in general courts



The High Anti-Corruption Court (HACC) was established as the main court for dealing with top-corruption offences following judicial reform, and handled its first cases in 2019. There was an **18% increase in the number of cases pending in the HACC (from 174 in 2019 to 206 in 2021)**.

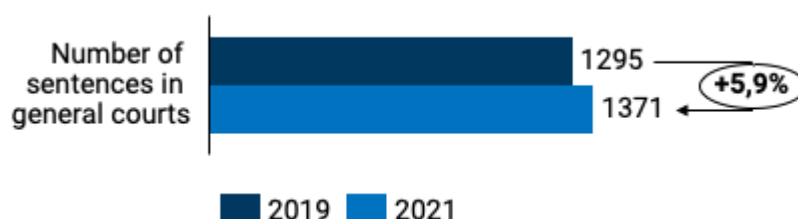
Figure 3. Number of corruption cases in HACC



The main categories of corruption offences include the acceptance of unlawful benefits by officials, misappropriation or taking possession of property by abuse of office, and abuse of power or office. The number of cases involving misappropriation of property and abuse of power or office steadily increased from 2019 to 2021. The number of cases regarding the acceptance of unlawful benefits to officials remained almost the same (65 in 2019 and 64 in 2021). This suggests that the anti-corruption infrastructure is still being formed and is gaining influence step by step.

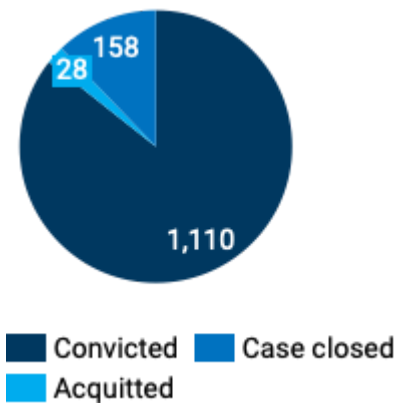
Importantly, **the number of sentences on criminal corruption offences and administrative offences related to corruption that entered into force in general courts increased by 6%** between 2019 and 2021.

Figure 4. Number of sentences in general courts



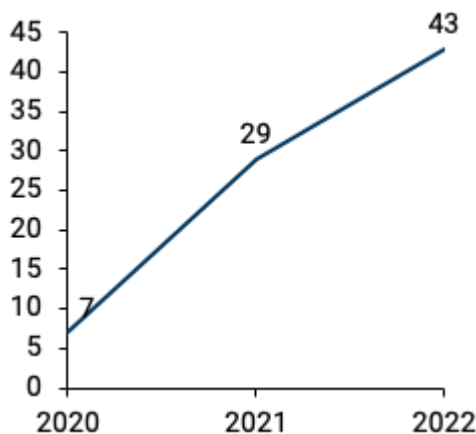
In 2021, 86% of criminal corruption cases resulted in convictions, 12% were closed during criminal proceedings, and 1% ended in acquittals.

Figure 5. Distribution of sentences in general courts (2021)



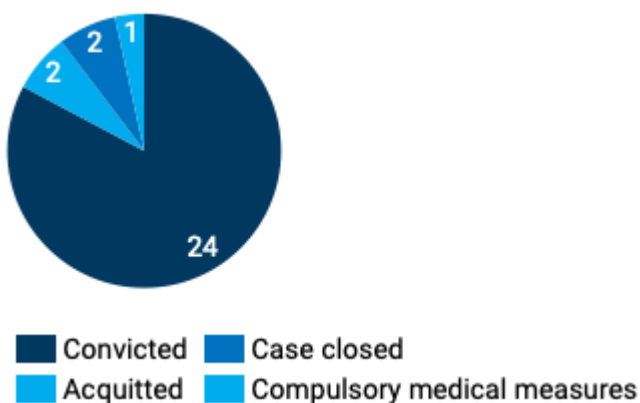
The HACC started working in 2019, seven verdicts were issued in 2020 and 29 - in 2021, This figures indicate a 4-fold increase in just one year. Speaking of 2022, the HACC issued 43 verdicts, demonstrating an increase of 48% compared to 2021.

Figure 6. Number of sentences in HACC



For example, in 2021, 24 cases resulted in convictions, 2 ended in acquittals, 2 were closed during criminal proceedings, and 1 resulted in the imposition of compulsory medical measures.

Figure 7. Distribution of sentences in HACC (2021)



It's worth noting that the total number of cases received on **administrative offences related to corruption** decreased by 10% between 2019 and 2021 (from 10,519 in 2019 to 9,510 in 2021). In 2021, the majority of (85,2% - 8024 cases) of administrative offences related to corruption involved violations of financial control requirements, in particular failure to submit asset declaration, which decreased by 18% as compared to 2019.

Figure 8. Number of administrative offences concerning asset declarations

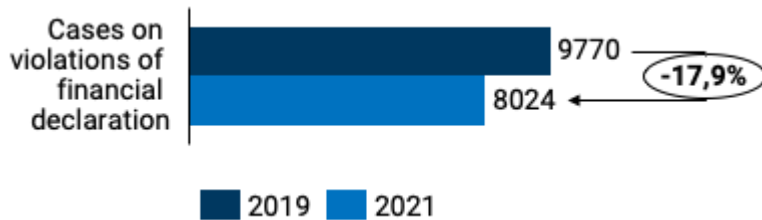
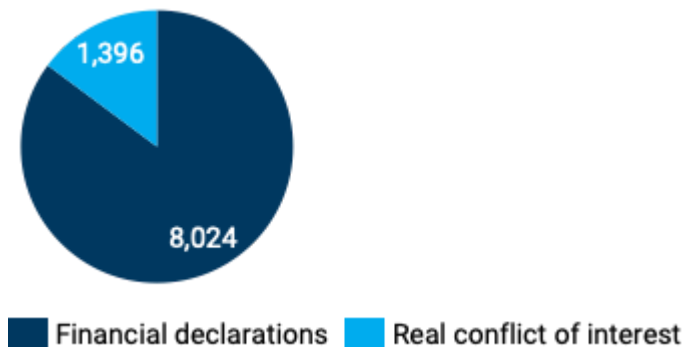
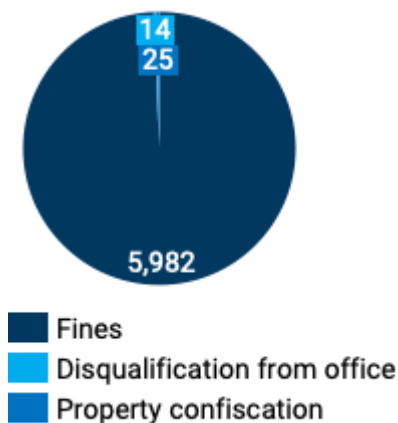


Figure 9. Types of administrative corruption offences (2021)



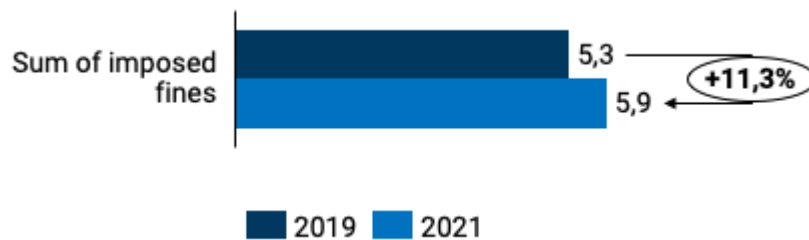
According to the data from 2021 fines were the most commonly used administrative penalties accounting for 100% of penalties imposed for administrative corruption offences.

Figure 10. Most common administrative penalties (2021)



The **sum of imposed fines increased** from 5.3 mln UAH in 2019 to 5.9 mln UAH in 2021 (11%).

Figure 11. Sums of imposed fines (mln UAH)

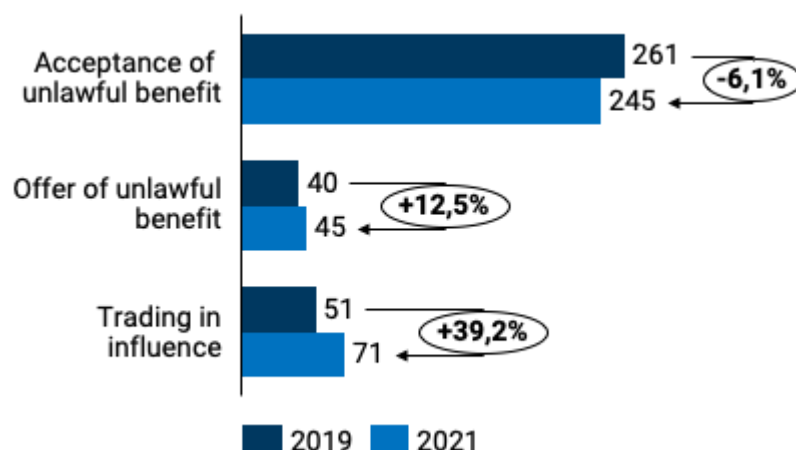


State Bureau of Investigations (SBI) | The SBI is a state body, responsible for the pre-trial investigation of crimes committed by state officials. It started to function in 2018. In 2020-2021, indictments were referred to the court in 906 criminal proceedings involving criminal offences involving corruption and corruption-related criminal offences. Mostly, the indictments concerned:

- Acceptance of unlawful benefit by an official
- Offer, promise, or provision of unlawful benefit to an official
- Trading in influence

The number of cases regarding the **acceptance of unlawful benefit by an official decreased by 6%**, and the number of cases on **offer, promise, or provision of unlawful benefit to an official increased by 13%**. The reasons here could be similar to the ones mentioned above: officials are less inclined to take bribes and more often report cases of bribe offers. The number of investigations related to **trading in influence increased by 39%**, indicating that the state is paying more attention to various forms of corruption.

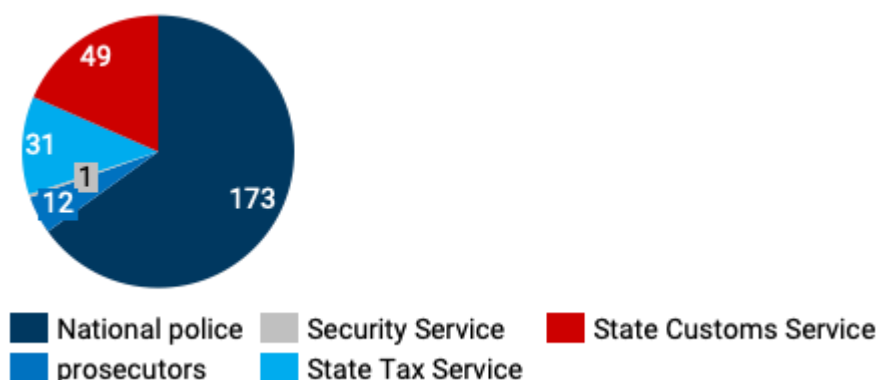
Figure 12. Types of corruption offences, investigated by SBI



Additionally, the SBI investigated cases regarding abuse of power or office, appropriation, waste of property or taking possession of it by abuse of official position.

In 2021, about 65% of all employees held accountable for corruption were employees of the **National Police of Ukraine**, while the remaining cases involved officials from the State Customs Service, State Tax Service, State Security Service, prosecutors, and judges.

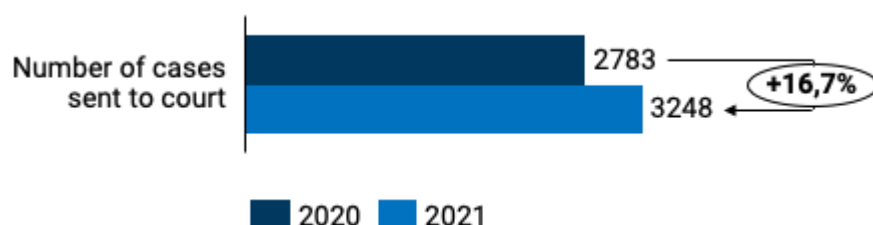
Figure 13. Officials brought to liability for corruption (2021)



The total number of officials brought to criminal liability increased by 2% between 2020 and 2021.

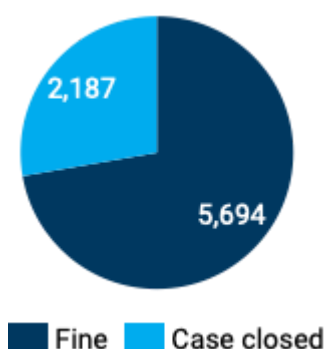
Office of the Prosecutor General (OPG) | In 2021, the OPG reported sending 17% more indictments to courts as compared to 2020.

Figure 14. Number of cases referred to the court



In addition, prosecutors were able to ensure that in 2021, 5694 individuals were punished for administrative corruption offences through the imposition of fines.

Figure 15. Number of cases referred to the court (2021)



GRECO Fourth Round Interim Compliance Report on Ukraine (dealing with corruption prevention in respect of members of parliament, judges and prosecutors) | GRECO recognises the strong commitment shown by Ukraine in respect of GRECO's work at an extremely difficult time following the war of aggression by the Russian Federation. Wartime has led to the necessity of adopting martial law, a state of emergency and the adjustment of priorities. In such a context, Ukraine has continued its work to implement GRECO's recommendations. Therefore, GRECO concluded that the current level of compliance with the recommendations is **no longer** "globally unsatisfactory".

In 2021, the National Agency on Corruption Prevention completed a comprehensive verification of 1 026 declarations and assessed that the non-declared/false information approximated more than 1 billion UAH (approximately 42 million USD as of 2021). Indications of corruption offences were detected in every third declaration coming under comprehensive verification; in particular, in the declarations of two judges of the Constitutional Court of Ukraine, two judges of higher courts, 19 members of parliament, three deputy heads of regional state administrations, 65 members of local councils. In 11 declarations unjustified assets for the total amount 84.8 million UAH (approximately 3 million USD as of 2021) were found. In 171 of the submitted declarations, there were indications of administrative offences related to corruption, in particular, by a judge of the Constitutional Court of Ukraine, a judge of the Supreme Court, two ministers, seven deputy ministers, 16 members of parliament, five deputy heads of regional state administrations, and 48 members of local councils.

Main achievements | Ukraine improved its position in the 2022 Corruption **Perceptions Index**, moving from 122 to 116 place in the ranking with a score of 33 points, the best indicator among all years. The National Anti-Corruption Strategy 2021-2025 was adopted, providing a strategic vision and concrete steps to fight corruption at the state level. As part of the implementation of the European Commission recommendations, the State Anti-Corruption Program was adopted. **The head of the Specialized Anti-Corruption Prosecutor's Office** was appointed. On March 6, the Cabinet of Ministers approved the candidacy of the **head of the National Anti-Corruption Bureau of Ukraine**. On March 24, 2023, GRECO released a report which concluded that Ukraine has made progress in complying with GRECO recommendations, and is **no longer** considered "globally unsatisfactory".

Conclusion | Ukraine has made considerable progress in combating corruption and has demonstrated a strong commitment to continue doing so. The increased attention and resources devoted to preventing and combating corruption by both citizens and government is a positive indication of the country's determination to address this issue. Of particular significance is the enhanced enforcement of penalties for corruption offences. Clearly, there is a long way ahead, but the first correct steps have already been done.