

COMBATTING CORRUPTION IN UKRAINE:

Institutional framework



This brochure provides an overview of the current institutional framework that exists to combat corruption in Ukraine. Institutions listed are grouped based on their mandate in terms of anti-corruption:

- Policy and Prevention work;
- Investigation, prosecution, and adjudication of crimes;
- Proceedings on administrative offences;
- Auxiliary agencies with anticorruption functions.

The brochure includes a list of specialized anticorruption agencies like the National Agency on Corruption Prevention (NACP), National Anti-Corruption Bureau of Ukraine (NABU), Specialized Anti-Corruption Prosecutors Office (SAPO) and High Anti-Corruption Court (HACC), that were established over the last 10 years with the primary goal of addressing top-level corruption.

See [more information on key achievements and challenges](#) on the way.

Additionally, it also identifies the agencies that investigate, prosecute, and adjudicate other corruption crimes and administrative offences related to corruption that do not fall under NABU's jurisdiction.



POLICY AND PREVENTION

While it is the President, Members of the Verkhovna Rada and the Cabinet of Ministers who may come up with the legislative proposals, there are 3 institutions which are directly entasked with shaping the Anti-Corruption (AC) policy.



NATIONAL AGENCY
ON CORRUPTION PREVENTION

National Agency on Corruption Prevention - a central executive agency, which ensures the formation and implementation of the state anti-corruption policy.

Its key functions include:

- AC policy development (drafts of AC Strategy and the State Anti-Corruption Program) and AC screening of draft laws and bylaws at NACP's discretion.
- Analysis of the state of preventing and countering corruption in Ukraine; statistical data, research results and other information regarding the corruption situation;
- Financial control powers (verification of asset declarations, lifestyle monitoring, control over political parties financing).
- Conflict of interest and ethical behavior (acceptance of gifts, post-employment).
- Whistleblowers protection.
- Support to AC officers, approval of AC programs of state agencies and enterprises.
- Oversight over compliance with lobbying regulations - upcoming.

Established in 2015, relaunched in 2019. Independent agency. The Head of the Agency is selected through a merit-based competition with the decisive vote of commission members nominated by international donors. Staff - 396 (408 - statutory maximum).



THE COMMITTEE
ON ANTI-CORRUPTION
POLICY

Parliamentary Committee on AC Policy - a structural part of the Verkhovna Rada of Ukraine, which carries out legislative work in the following areas:

- Formation of anti-corruption policy and draft laws related to prevention and counteraction of corruption; legal regulation of the activities of the NABU, NACP, ARMA and activities of other law enforcement and state bodies in terms of their powers in the field of preventing and countering corruption; prevention and settlement of conflicts of interest; rules of ethical behavior in public service' etc.
- Conducting AC screening of draft laws.

Created in 2007, reorganized in 2014 and 2019. Structural part of the Parliament. Consists of 11 Members of Parliament who are elected on the basis of the proposals of the parliamentary factions submitted in compliance with the quotas determined by the Regulations of the Verkhovna Rada of Ukraine.



MINISTRY
OF JUSTICE

Ministry of Justice of Ukraine

- Conducts AC screening of all draft bylaws and regulations (except for drafts of laws of Ukraine which are subject matter of the Parliamentary Committee on AC Policy).

Ministry of Justice is a central body of executive power, the activities of which are directed and coordinated by the Cabinet of Ministers of Ukraine. The Minister is appointed to the position and dismissed from the position in accordance with the established procedure by the Verkhovna Rada of Ukraine at the request of the Prime Minister of Ukraine.



INVESTIGATION - CRIMES



National Anti-Corruption Bureau (NABU) -

a central executive agency, which is entrusted with the prevention, detection, termination, investigation and disclosure of corruption and other criminal offenses assigned to its jurisdiction, as well as the prevention of new ones.

- Disclosure and investigation of criminal corruption offences committed by high-ranking public officials and other individuals disposing of major political power (officials, judges, members of the Parliament and the Government, heads of big state-owned enterprises).
- Investigation of certain criminal corruption offences (a) committed by a high-level public official from the enumerated list, (b) or where value of undue advantage exceeds 500 subsistence minimums on the day of the crime (approxUAH 757,000 or EUR 17,500 as on January 1, 2024) or damages caused by the crime exceed 2000 subsistence minimums on the day of the crime (UAH 3,028,000 or approx. EUR 70,000 as of January 1, 2024), (c) or the offering, promise of provision of a bribe or trading of influence committed towards a foreign public official.
- For the purpose of prevention, detection, termination and disclosure of criminal offenses referred to NABU's jurisdiction, NABU detectives may under the order of the Director of NABU confirmed by a SAPO Prosecutor investigate other offences not directly placed within their jurisdiction.
- Established in 2015. Independent agency. The Head of the Bureau is selected through a merit-based competition with the decisive vote of commission members nominated by international donors. Statutory maximum of staff - 1000.



State Bureau of Investigations (SBI)

- Investigation of the crimes committed by top officials except for the cases which fall within NABU's jurisdiction.
- Investigation of crimes committed by officials of the NABU, Head or prosecutors of SAPO, except for cases in which the pre-trial investigation is assigned to the detectives of the NABU's internal control.

Established in 2016, became operational in 2018, relaunched in 2019. Independent agency. The Head of the Bureau is selected through a merit-based competition by the commission partially composed of members nominated by international donors. Statutory maximum of staff - 1600.



Economic Security Bureau of Ukraine (ESBU)

Investigation of certain corruption crimes (embezzlement if the subject of the criminal offense is budget refund), abuse of office misappropriation of property, misuse of budgetary funds etc, provided that these crimes do not fall within the jurisdiction of NABU or SBI; Established in 2021. The central body of executive power, the activities of which are directed and coordinated by the Cabinet of Ministers of Ukraine. The Head of the Bureau is appointed to the position by the Cabinet of Ministers of Ukraine at the request of the Prime Minister of Ukraine at the proposal of the selection commission which does not include members nominated by international donors. Statutory maximum of staff - 4000.

**Security Service of Ukraine (SSU)**

- ▶ Carrying out operative investigation activities.
- ▶ Investigation of the crimes against national security, public safety, inviolability of state borders, war crimes, crimes against peace, humanity and international legal order.
- ▶ If in the course of the investigation of some of the abovementioned offences it will be disclosed that additionally the abuse of power was committed, this offense may be investigated by SSU investigators, provided that these crimes do not fall within the jurisdiction of NABU.

Subordinate to the President of Ukraine. The Head of the Security Service of Ukraine is appointed and dismissed by the President of Ukraine without competition. Statutory maximum of staff - 27000 (31000 during martial law).

**National Police - investigation of all other corruption offences, not assigned to the jurisdiction of NABU, SBI, ESBU or SSU (primarily cases of petty corruption).**

Police activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs of Ukraine. Chaired by the Head, who is appointed and dismissed by the Cabinet of Ministers of Ukraine at the request of the Prime Minister of Ukraine, made on the basis of the proposals of the Minister of Internal Affairs. Statutory maximum of staff - 141 330.





PROSECUTION



Specialized Anti-Corruption Prosecutors Office (SAPO) – a separate autonomous legal entity.

- Supervision of compliance with the laws during operational investigative activities of the pre-trial investigation by NABU.
- Upholding the state prosecution in the proceedings investigated by NABU.
- Representing the interests of a citizen or the state in court in cases provided for by law and related to corruption or corruption-related offenses.
- Role in civil forfeiture proceedings – bringing lawsuits on issuing unexplained wealth orders and representing the state.

Established as a unit of the Prosecutor General in 2015 and reestablished as a separate legal entity in 2024. Autonomous establishment with sizeable level of independence. The Head of SAPO, Deputy Head and SAPO prosecutors are selected through a merit-based competition with the participation of the commission members nominated by international donors. Statutory maximum of staff - 150.



Prosecutor General Office (PGO) and regional and district prosecutors offices:

Performing the same functions of supervision of compliance with the laws during operational investigative activities of the pre-trial investigation, upholding the state prosecution and representing interests of a citizen or the state in cases that are investigated by other agencies than NABU.

The Prosecutor General is appointed by the President of Ukraine with the consent of the Verkhovna Rada of Ukraine.

Statutory maximum of staff - 150.



ADJUDICATION



HIGH
ANTI-CORRUPTION
COURT

High Anti-Corruption Court (HACC) - a permanent higher specialized court in the judicial system of Ukraine. Administers justice to protect individuals, society and the state from corruption and related crimes and performs judicial control of the pre-trial investigation of these crimes, observance of the rights, freedoms and interests of persons in criminal proceedings supervision of compliance with the laws during operational investigative activities of the pre-trial investigation by NABU.

- A court of the first and appellate instance in cases:
 - that fall within NABU – jurisdiction;
 - Of civil forfeiture;
 - Application of sanctions.
- Judicial review of the pre-trial investigation of the criminal offenses mentioned above.

Selection of new HACC judges is done by the High Qualification Commission of Judges (HQCJ) with support of the Public Council of International Experts (PCIE). PCIE consists of 6 members who are appointed by the HQCJ based on the proposals of international organizations with which Ukraine cooperates in the field of preventing and combating corruption in accordance with Ukraine's international treaties. Maximum of judges – 63 (21 out of which – Appellate Chamber judges). Statutory maximum of staff - 150.



Courts of general jurisdiction

- Adjudicate other corruption cases, that do not fall within the jurisdiction HACC.

Criminal Cassation Court within the Supreme Court considers all corruption cases as a court as a cassation instance.





PROCEEDING ON ADMINISTRATIVE OFFENCES

Administrative offences related to corruption are provided in a variety of laws of Ukraine. Examples of such offences are: violation of restrictions on combining public service with other activities, violation of restrictions on gift acceptance, failure to comply with prescriptions of the NACP, violations of political party financing and reporting rules, etc.





AUXILIARY AGENCIES

WITH ANTI-CORRUPTION

FUNCTIONS



National Agency of Ukraine for finding, tracing and management of assets derived from corruption and other crimes (Asset Recovery and Management Agency – ARMA) - is a central executive agency that ensures the formation and implementation of state policy in the field of identifying and searching for assets that can be seized in criminal proceedings or in the case of recognition of assets as unsubstantiated, and/or on management of assets that have been seized in criminal proceedings.



ABOUT THE EU ANTI-CORRUPTION INITIATIVE IN UKRAINE

The EU Anti-Corruption Initiative (EUACI) – the leading anti-corruption support program in Ukraine – is funded by the EU and co-funded and implemented by the Ministry of Foreign Affairs of Denmark. The program was launched in 2017 as a response to the urgent need for anti-corruption reforms in the country.

The EUACI works in the following four areas:



AREA 1.

Capacity building of independent anti-corruption institutions



AREA 2.

Reconstruction and integrity



AREA 3.

Support to Integrity Cities (Mykolaiv, Zhytomyr, Chernivtsi, Chervonograd, Mariupol and Nikopol)



AREA 4.

Civil society, media



This programme is financed by the **European Union**
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**MINISTRY OF FOREIGN AFFAIRS
OF DENMARK**

