

E-declarations registry

Background

Until 2014, anticorruption legislation provided that public officials' asset declarations could be filled in paper form only and then submitted to public bodies. Only the declarations of management of certain state institutions were published on their websites. Sanctioning for failure to submit a declaration or indication of false information was soft (disciplinary sanctions or small administrative fine). Not all of the property owned by an official had to be declared, and even this was not always observed. There was an urgent need for greater transparency in asset declaration, so as to strengthen control over public officials' wealth. This is how the concept of electronic declarations evolved. The concept included the creation of a separate freely-accessible online portal, which would store officials' asset declarations.

National Agency on Corruption Prevention does not have full control of software and hardware of the registry.

Timeline

The Venice Commission proposes to oblige the re-submission of declarations of 2020 in order to allow imprisonment for lying **Anti-corruption reform**

09.05.2021

On May 6, the Venice Commission released opinion on the presidential draft law #4651 on strengthening responsibility for false declaration of assets, which was approved by Members of Parliament in the first reading on April 15. The Venice Commission stated in its opinion (paragraph 38) that the application of new enhanced sanctions only starting from next declaration period [...]

CSO's statement on new law reinstating criminal liability for false declarations

05.12.2020

On December 4, Ukrainian Parliament has adopted law #4460-d aimed to restore criminal liability for false statements in asset declarations. Speaker Razumkov explained that this was the compromise reached by all parliamentary factions in order to repair damages to the assets disclosure system following the decision of the Constitutional Court. However, the adopted legislation compromises [...]

Reinstalling e-declarations just with a law is impossible. We explain why it is a deception

02.11.2020

During the meeting of the conciliation council, the Speaker of the Verkhovna Rada Dmytro Razumkov announced the registration in the Parliament of the draft law on the reinstallation of the provisions on asset declaration system, which were repealed by the Constitutional Court on October 27. Reinstalling such legislation will not save the situation, as it will not restore criminal [...]

Analysis of the CCU's decision of October 27 and possible solutions to the crisis it provoked

02.11.2020

On October 27, the Constitutional Court of Ukraine (hereinafter – CCU) declared unconstitutional the main provisions of Ukraine's anti-corruption reform on e-declaration system, which shocked Ukrainian society, the expert community and the authorities. This decision repeals a number of provisions of anti-corruption legislation without any justification in the motivational part. In making this decision, the [...]

Constitutional Court destroyed system of electronic asset declarations. Analysis of the decision

28.10.2020

Today, October 28, the full text of the decision of the Constitutional Court of Ukraine on electronic asset declaration system was published. It is clear from the text of the decision that the Constitutional Court not only abolished the criminal responsibility for lying in the e-declarations, but in fact destroyed the entire system of e-declarations [...]

New attack on e-declarations and illicit enrichment

10.10.2020

by Vadym Valko originally published on Ukrainska Pravda On October 8, the Constitutional Court will consider the appeal of 47 Members of Parliament of Ukraine. It is about the unconstitutionality of certain provisions of the legislation regarding e-declaration, confiscation of unjustified assets, the NACP's authority to monitor the lifestyle of officials, as well as responsibility for submitting [...]

Declarations of the SBU officials: Bakanov's deputies do not show their assets

04.06.2020

Vasyl Malyuk and Oleksandr Yakushev, two deputies of the head of the Security Service of Ukraine, have not submitted electronic declarations, although they are obliged to do so after amendments to the law. Malyuk holds the position of the head of the Main Department for Fighting Corruption and Organized Crime

of the Security Service of Ukraine (Department “K”). All officials authorized to perform public functions were [...]

Assets of the SBU officials: declaration of Grytsak, former head of the Service, appeared in the NAPC’s Registry

15.01.2020

Declarations that were declassified and were not publicly available began to appear in the Registry of the National Agency on Corruption Prevention. They are now available thanks to changes in the law on anti-corruption. The first one was declaration of the former head of the Security Service of Ukraine, Vasyl Grytsak. In October 2019, the President Volodymyr [...]

NACP attempts to misuse automatic verification of e-declarations through regulations - Declaration Under Control initiative

25.01.2019

Declarations Under Control Initiative On December 21, 2018, the National Agency on Corruption Prevention (NACP) amended the document that determines the procedure for verification of electronic declarations. These changes were triggered by the introduction of an automated declaration verification system which aims to simplify and improve the effectiveness of verifications. However, the analysis of [...]

The court abolished decision of the SAPO regarding closure of General Tkachuk’s case

30.08.2018

The court abolished decision of the Specialized Anti-Corruption Prosecutor’s Office to close a criminal proceeding on alleged illicit enrichment and declaration of false information by Chief of National Land Forces Academy, Lieutenant-General Pavlo Tkachuk. This decision was made on August 29, by a panel of judges of Kyiv Court of Appeal, writes in Facebook Yevheniya [...]

NABU is still deprived of full access to e-declarations registry

30.08.2018

On August 30 NABU informed that they still don’t have full access to the e-declarations registry. They were groundlessly deprived of such an access by the NACP. Though Recommendation 12 of the 4th round of monitoring of the Istanbul Anti-Corruption Action Plan stated that Ukraine has to “ensure that NABU has direct access to the asset [...]

MPs want to abolish notices of significant changes in the

property status

09.08.2018

There was registered in the Verkhovna Rada a draft law aimed at lifting public officials of obligation to e-declare significant changes in their property status. The bill was initiated by MP Serhii Shahov from the party Volya Narodu. In case this draft law is adopted, declarants will no longer have to submit information on their income [...]

Newly appointed Head of Donetsk Oblast Administration did not file an assets declaration

29.06.2018

Newly Appointed Head of the Donetsk Oblast State Administration Oleksandr Kuts did not file an income and assets declaration, presumably hiding behind his work in the SBU. On June 22, President of Ukraine Petro Poroshenko signed a Decree on the appointment of Oleksandr Kuts as the head of the Donetsk Oblast State Administration. He previously [...]

Iryna Lutsenko on NGOs' Declarations: Now that Everybody has Seen Who is Who, We can Just Cancel Them

03.04.2018

Monday, April 2, 2018, 5:38 pm Two nearly identical law drafts on cancelling obligatory assets declarations for civil activists have been registered at the Verkhovna Rada. The first law draft No. 8209 was registered on March 29. It was authored by Yulia Tymoshenko, Ivan Krulko, Oleksii Riabchyn, Olena Sotnyk, Serhii Yevtushok, Oleksandra Kuzhel, Viktor [...]

MPs failed to cancel e-declarations for anticorruption activists

23.03.2018

On March 22, the Parliament missed the last change to abolish or postpone e-declaration obligation for the anticorruption activists. The parliament failed to even include into the agenda draft laws that offered to postpone the deadline for submission of e-declarations for anticorruption activists; draft laws on abolishment of e-declarations were not even offered for consideration. [...]

“Declarations Under Control” coalition: Parliament may cancel e-declarations for law enforcement and other state agencies

20.03.2018

Sasha Drik, Coalition “Declarations Under Control” coordinator On Monday, March 19, the acting Chair of Rada Committee on Corruption Prevention Yuriy Savchuk called for an urgent inclusion in Parliament’s plenary week agenda a draft law that is claimed to solve the procedure of submission of e-declarations for Ukrainian intelligence officers. However, under the guise [...]

NACP obliges individuals who received free pens or presentation materials to submit e-declarations

20.03.2018

While Council of Europe's Venice Commission harshly criticizes provisions that oblige anticorruption activists to submit their electronic asset declarations demanding their abolishment, the National Agency for Corruption Prevention gave explanation instructing to submit e-declarations even individuals who participated in educational anticorruption trainings, received presentation handouts, stationery, food etc. Translation of the excerpt of NACP's letter to the Automaidan is [...]

Top international anticorruption experts call to ensure maximum independence of Ukraine's anticorruption agencies

02.12.2017

International Anti-Corruption Advisory Board (IACAB) calls to ensure maximum independence of anticorruption agencies and to secure them from groundless attacks as well as to launch the specialized anticorruption court as quickly as possible. It is stipulated in the first IACAB report that provides conclusions and recommendations set to increase the efficiency of Ukraine's anticorruption agencies. [...]

E-Declarations registry will be audited

30.11.2017

Having failed to introduce e-declarations automatic verification system, on November 29 NACP announced a tender for an audit of the e-declarations registry. Tender applications are to be collected by December 4, audit to be completed by December 22. Given previous constant critical rhetorics of the NACP regarding e-declarations system, the results of the audit might [...]

NACP officially confirms tough rules of e-declarations for anticorruption activists

26.07.2017

While the Rada fails to include in its plenary agenda President's bills aimed at abolishing e-declarations for anticorruption activists (#6674), NACP issues a legal opinion that confirms worst fears of the activists. Thus, NACP may consider as potential declarants people who participated in the trainings conducted at the expense of the anticorruption project, as well [...]

Prosecutors' declarations disappeared from electronic system

14.04.2017

More than 200 declarations of prosecutors disappeared from the e-declaration system. Although this position contradicts the law, the prosecutors justified it with some sort of security measures.

Anticorruption activists are obliged to submit e-declarations

22.03.2017

The Parliament passed the law obliging anticorruption activists to submit e-declarations. The same law extended the period of declaring for the "second wave" until 30 April 2017.

AntAC sues the Security Service of Ukraine for hiding declarations

06.03.2017

As a result of the "first wave" of declaring, the E-declaration registry did not include the declarations of the officials of the Security Service of Ukraine (SSU). The SSU decided to create its own registry of declarations hidden from the general public in order to keep the declarations of its employees in secret. This is blatant violation of the law. Thus, the AntAC initiated a lawsuit against the SSU in order to disclose their declarations.

E-declaration system launched for all public officials

01.01.2017

From 1 January till 31 March 2017, all the public officials had to submit e-declarations into the new system (so-called "second wave" of declaring).

E-declaration system is launched without security clearance

14.08.2016

The NAPC launched E-declaration Registry without a security certificate. Until 30 October 2016, the declaration of the so-called "first wave" of declaring (re-submission of declarations for 2015 in a new electronic format by specified range of top officials) was performed. Public officials exposed a shocking wealth, for instance, <http://www.reuters.com/article/us-ukraine-crisis-corruption-idUSKBN12V1EN> or <https://www.kyivpost.com/ukraine-politics/ukrainian-top-officials-wealth-exposed-e-declarations.html>

E-declaration system did not pass security test

12.08.2016

Two days before the scheduled launch of the E-declaration Registry, the State Special Communications Service of Ukraine denied the certification of the system of information security of the Registry.

Testing of e-declaration system

28.07.2016

The NAPC launched a test version of electronic register of declarations.

E-declarations restored

15.03.2016

The Parliament adopted the law that restored the system of electronic asset declarations. In violation of Ukraine's international commitments, from 1 January to 1 April 2016 all the officials had to fill the declarations in paper under the old form as e-declaration system had not yet been launched.

President vetoes “Denysenko’s amendments”

12.03.2016

The President vetoed the “Denysenko’s amendments” under the pressure of civil society and international partners.

Parliament limited e-declarations

16.02.2016

Once the Parliament attempted to overturn the amendments of 25 December 2015, the MPs introduced the amendments that limited the scope of e-declarations (so-called "Denysenko's amendments")

E-declarations postponed

25.12.2015

During the adoption of Law "On State Budget of Ukraine for 2016", the amendments were adopted that postponed the introduction of electronic declarations to the beginning of 2017 .

Introduction of electronic asset declarations

14.10.2014

Law "On Corruption Prevention" was adopted, which introduced the new concept of electronic declaration system of assets of public officials.

Documents

IMF

Ensuring that politically exposed persons (PEPs) remain subject to comprehensive and published asset declaration requirements remains a priority, as this is critical to effectively address illicit enrichment and prevent the laundering of the proceeds of corruption. In this regard, by end-December 2018: ... (ii) the NAPC will revise the electronic declaration form to facilitate the identification of PEPs, by ensuring an online search criteria for PEPs and the publication of the PEP's year and month of birth; (iii) the NAPC will start publishing quarterly statistics to monitor progress made in detecting absence or false declarations on

a webpage freely available to the public (in line with the template detailed in paragraph 94 of the TMU);

Full doc: https://bank.gov.ua/en/file/download?file=ENG_SBA%2005122018%20LOI_MEFP_TMU.pdf

IMF

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Full doc: https://bank.gov.ua/en/file/download?file=ENG_SBA%2005122018%20LOI_MEFP_TMU.pdf

MFA

Set up an electronic asset disclosure system of public officials, including a verification mechanism, while starting to verify assets and possible conflicts of interest on the basis of paper-based asset declarations submitted by officials in 2015

Full doc:

http://ec.europa.eu/economy_finance/international/neighbourhood_policy/doc/mou_eu_ukraine_en.pdf

IMF

"Implement asset disclosure requirements for high-level officials. By end-December 2015, the Ministry of Justice will ensure that applicants and newly appointed officials to high-level positions under the NAB's jurisdiction file their asset disclosures electronically. The disclosures will be directly and freely available to the public on a single website shortly after the submission. In line with legislation, all high-level officials will report their assets electronically by end-April 2016" (commitment) para 29

Full doc: <https://www.imf.org/external/np/loi/2015/ukr/072115.pdf>

VLAP

"Put in place procedures to ensure: the timely publication of all current asset declarations; effective verification of assets and conflicts of interest of public officials; full operability and accuracy of central electronic databases, including on asset declarations and beneficial ownership; and a unified web portal disclosing public expenditure. " para 2.3.1.3

Full doc:

SBC

"Strengthened integrity and accountability in the public sector through improved and effectively enforced procedures for declaration and verification of incomes, assets and expenses and for the prevention of conflict of interests of different categories of public officials."

Full doc:

Documents

Visa Suspension Mechanism

NABU's ability to conduct effective investigations into complex corruption cases is also hampered by the failure of NACP to grant direct and automated access to its e-declaration database.

Full doc: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-ag-nda-migration/20181219_com-2018--56-report_en.pdf?utm_source=International+partners&utm_campaign=a379fd4597-EMAIL_CAMPAIGN_29_12_2017_COPY_01&utm_medium=email&utm_term=0_2e2aa5132c-a379fd4597-82028643

Visa Suspension Mechanism

Overall, the visa liberalisation benchmarks continue to be fulfilled. In the First Report under the Visa Suspension Mechanism, the Commission noted that in view of recent developments immediate actions needed to be taken in order to ensure full implementation and sustainability of past reforms in particular as regards the anti-corruption benchmark... The following areas need to be addressed: - Urgently repeal the amendments extending the scope of asset declarations to civil society and ensure that civil society can play its role without undue interference

Full doc: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-ag-nda-migration/20181219_com-2018--56-report_en.pdf?utm_source=International+partners&utm_campaign=a379fd4597-EMAIL_CAMPAIGN_29_12_2017_COPY_01&utm_medium=email&utm_term=0_2e2aa5132c-a379fd4597-82028643

Visa Suspension Mechanism

Overall, the visa liberalisation benchmarks continue to be fulfilled. However, in view of recent developments, immediate actions need to be taken in order to ensure full implementation and sustainability of past reforms, in particular as regards the anti- corruption benchmark. The following areas need to be addressed:

- Repeal the amendments extending the scope of asset declaration obligations to civil society declarants and ensure that civil society can play its role without undue obstacles and interference

Full doc: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-s-new/news/20171220_first_report_under_suspension_mechanism_en.pdf