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PROMOTING CITIZEN ENGAGEMENT IN COMBATING CORRUPTION IN UKRAINE (ACTION)

FINAL REPORT

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PROMOTING CITIZEN ENGAGEMENT IN COMBATING CORRUPTION IN UKRAINE (ACTION) FINAL REPORT



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Promoting Citizen Engagement in Combating Corruption in Ukraine (ACTION)
(Component I of the Millennium Challenge Corporation Threshold Country Program)

DISCLAIMER

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1. OVERVIEW

Advocacy and monitoring campaigns conducted by strong and capable civil society and mass media organizations can keep anticorruption issues high on the public agenda and can exert considerable pressure on government to implement transparency and accountability reforms. For three years, from 5 December 2006 through 20 December 2009, the *Promoting Active Citizen Engagement in Combating Corruption in Ukraine Project (ACTION)*¹ was implemented by Management Systems International (MSI) and took positive steps to advance these outcomes.

As a component of the Millennium Challenge Corporation Threshold Country Program (MCC/TCP) in Ukraine and funded through the United States Agency for International Development (USAID), the ACTION project worked closely with Ukrainian NGOs, journalists, and survey research groups to advance practical anticorruption goals by supporting public awareness campaigns, targeted advocacy efforts, watchdog and monitoring activities, direct dialogues and negotiations with public authorities, legal support for victims of corruption, investigative reporting in the media, and public opinion polling.

The ACTION project had three major components:

1. Monitoring TCP Implementation, and
2. Promoting Investigative Journalism and Media Anticorruption Advocacy, and
3. Fostering Civil Society Anticorruption Advocacy.



ABOVE: Press conference of corruption survey results

Under the first component, the project established a baseline of systematic data on corruption trends in Ukraine to measure the impact of TCP initiatives. Consistent survey research methods using representative samples were employed to monitor both perceptions *and* actual corruption experiences nationwide among households and specialized samples in each of the priority areas of concern to the TCP program. These areas included reforming the judicial system, advancing civil service accountability and ethics, streamlining and enforcing business regulation, and reforming the admissions process to higher educational establishments. The project worked closely with two local partners to collect this data: the Kyiv International Institute of Sociology and InMind.

The results of the surveys were widely disseminated in Ukraine to inform citizens about the impact of corruption and the government's progress in implementing the TCP. In addition, ACTION trained and supported NGOs throughout the country to monitor the impacts of particular interventions through citizen report cards and watchdog techniques. They focused their attention on the effectiveness of one-stop shops for construction and land allocation permitting and the standardization of admissions procedures to universities.

Under the second component, the ACTION project also activated, trained, built capacity, funded specific initiatives, and galvanized networks of NGOs and journalists to advocate for and demand anticorruption reforms at the national, regional and local levels in all of the TCP priority areas. In this regard, the project worked directly with over 150 NGOs throughout the country to build their capacity

¹ The project name in Ukrainian: Сприяння активній участі громадян у протидії корупції в Україні "Гідна Україна"

to make forceful demands on authorities, advocate effectively for their causes, monitor government institutions, and enhance public awareness of their civil rights through technical assistance, training, and small grant programs. The project worked closely with Ukrainian NGO Counterpart Creative Center (CCC) to administer and monitor the grant awards.

Under the third component, journalists were also trained and supported to use effective evidence-based investigative techniques and their editors and publishers were encouraged to see the benefits of this reporting so they could all serve the watchdog function typically reserved for the press. To accomplish these tasks, the project worked with the Center for Ukrainian Reform Education (CURE) and the Regional Press Development Institute (RPDI). Cooperative networks and coalitions were built among NGOs, business groups and the media to enhance solidarity and partnerships with local and regional authorities were promoted to advance anticorruption objectives.



ABOVE: Presenting results of the surveys to Ukrainian mass media

levels are increasing sharply: 35% of respondents said that corruption was on the increase in 2007, while 61% said it was on the increase in 2009. They hear about corruption issues a lot in the media and as a result are more conscious of the seriousness of this problem.

But more importantly, over the TCP timeframe (2007-2009), the population reported a gradual decline in the incidence of actual corruption. The overall number of citizens who reported having experienced at least one corrupt transaction over the past 12 months is very high – 62.5% in 2009 – but that reflects a recent decline of 4.5% (from 67% in 2007).

The project played a critical role in providing independent and continuing monitoring of the other MCC/TCP components. Detailed feedback to implementers on the impact of their interventions on corruption levels was provided over the course of the project through specialized survey results and NGO watchdog monitoring to help them adjust their approaches and better achieve their objectives. Survey findings demonstrated a decrease in corruption experiences as a result of reforms in the court system, establishing one-stop shops for construction and land permitting, and nationwide use of standardized

The ACTION project achieved its objectives across several dimensions:

Awareness. Corruption issues were kept high on the public agenda. Public awareness and knowledge of the project's corruption surveys remained consistently high over the three years – between 9 and 11 percent. By the end of the project, it is estimated that on average 3.84 million Ukrainians (10.3%) were kept abreast of corruption data from the project. In addition, media coverage of corruption issues increased. Over 11000 corruption stories are now published or broadcasted every quarter on average.

Monitoring. In part, because of this high profile, the population's perception of widespread corruption is increasing. Most Ukrainians now believe that corruption



ABOVE: Public awareness campaign about corruption in education

external testing for admissions to higher educational establishments. However, the project’s surveys showed that the incidence of corruption increased in the customs service and there was no change in actual corruption levels in the civil service, despite targeted interventions in these two sectors.

Advocacy. Many NGOs were trained in constructive advocacy techniques and they initiated 114 broad-based advocacy campaigns, 66% of which yielded short-term practical anticorruption reforms over the lifetime of the project. Some examples follow:

- **University admissions.** The Ministry of Education made changes to the 2009 rules regulating admission to reduce corruption opportunities.
- **Regulatory reforms.** Based on careful monitoring of one-stop shops for business permitting and licensing, the Cabinet of Ministers issued a resolution that simplifies the processing and issuance of permits and licenses. In addition, an entrepreneurs union succeeded in getting a city Rada to adopt a resolution that makes public hearings mandatory when making city planning, construction, and land allocation decisions.
- **Access to information.** Advocacy campaigns promoted by a coalition of media organizations resulted in the Verkhovna Rada adoption in the first reading of a new law that liberalizes the public’s access to government information.
- **Legal support for victims of corruption.** Over 10,000 consultations were provided for victims of corruption, 474 citizens received legal representation in court appeals, and 37% of them received decisions in their favor.
- **Government ethics.** NGO-drafted codes of ethics for local civil servants were adopted in several cities.
- **State subsidies.** Citizen watchdogs that monitored state budgets convinced regional administrations to include civil society input and adopt better approaches for public procurement and public participation.

Investigative Journalism. The media’s traditional role as public watchdog was also enhanced by the project. More than 700 journalists, editors and media owners received capacity building training and participated in workshops concerning the value of investigative journalism about corruption issues. During the ACTION project, investigative journalists produced many corruption-related reports. 63.9% of these reports went on to be further investigated by the authorities and 27.2% of those investigations were brought to court. Of the media’s reports on corruption, 10.8% resulted in judicial decisions for conviction and 46.8% yielded administrative sanctions against corrupt officials.

A summary of the project’s key activities and overall results is presented in this report.



ABOVE: Publications by investigative reporters

| Components | Key Activities | Overall Results |
|--|--|--|
| Monitoring TCP Implementation | National trends surveys Surveys in TCP priority areas Survey results dissemination Establishment of accessible corruption assessment database | Over 10% of public are aware of corruption survey data Specialized surveys in TCP areas assisted implementers to conduct their reform initiatives more effectively Survey data archive contains 61 studies and 60 users are registered |
| Fostering Civil Society Anticorruption Advocacy | Building anticorruption knowledge and advocacy capacity of CSOs Support for public awareness campaigns Support for targeted advocacy initiatives Establishment of anticorruption advocacy networks | Over 2,400 NGO members improved their knowledge and skills through participation in over 110 training and workshops Over 100 new major advocacy actions undertaken 66% of reforms promoted in CSO advocacy campaigns resulted in actual reforms over the lifetime of the project Eight coalitions were formed that included 63 organizations |
| Promoting Investigative Journalism and Media Anticorruption Advocacy | Training for journalists and editors/owners Legal support for investigative reporters Investigative reporting contests Build advocacy skills of media organizations Support for access to information law reform advocacy campaign | Over 700 journalists and media representatives trained More than 63% increase in corruption-related media reports that result in investigations More than 27% increase in corruption-related media reports that result in court hearing More than 10% increase in corruption-related media reports that result in court sanctions More than 46% increase in corruption-related media reports that result in administrative sanctions |

Methods of Assistance

MSI used the following methods of assistance:

1. Building capacity and skills of local NGOs, mass media and survey groups through training and technical assistance
2. Providing financial support through a grants program to NGOs to conduct advocacy and public awareness activities
3. Supporting establishment of coalitions and networks of issue-based NGOs throughout the country and facilitating cross-issue networking
4. Partnering with research groups and building their capacity to conduct complex multi-dimensional quantitative and qualitative surveys to monitor the progress of the Government of Ukraine (GoU) in implementing the TCP and citizen perceptions of and experiences with corruption
5. Facilitating cross-sectoral cooperation and dialogues in promoting anticorruption reforms
6. Supporting extensive dissemination campaigns of the survey results
7. Promoting investigative reporting into corruption through training, financial support, and legal assistance
8. Conducting annual nationwide and regional investigative reporting contests.

All of these methods were effective. We found that civil society-government dialogue was more effective on the local and regional levels than on the national level, where political instability and polarization and lack of commitment hampered constructive and effective cooperation.

Mid-Term Evaluation

The project underwent a mid-term external evaluation in April 2008 conducted by a team of independent experts commissioned by USAID. The evaluation report confirmed that the project was “carrying out activities as planned and making good progress toward meeting or exceeding most of its formal performance targets.” The report provided a set of recommendations most of which reiterated the approach used and the course pursued by the project. Other recommendations were made for MSI’s consideration to further strengthen the project. In response to these recommendations, MSI simplified project grantee reporting requirements, strengthened training programs, and established better linkages between investigative reporting and CSO grantees, TCP partners in other components, and partners in the GOU.

Changes in the Project’s Activities

Following discussion with the MCC TCP Secretariat and USAID, MSI initiated a “national champion” grants program in early 2008 that was not planned for in the project’s scope of work. The objective of this effort was to support several national level NGOs or think tanks to become leading groups in TCP priority areas and NGO networks that were planned by the project. At the same time, organizations that responded to the request for applications to serve as ‘champions’ were lacking the necessary skills and qualifications. The initiative to establish such ‘champions’ was rolled back and the decision to develop and strengthen NGO networks was supported by the mid-term evaluation described above.

Another significant change to the initial project plan was an extension to the project’s duration from two to three years. The extension was necessary to align civil society monitoring and advocacy efforts with the implementation of other TCP components, several of which started several months after ACTION was launched. The project benefited from this extension which allowed (1) postponement in conducting the follow-up nationwide and sectoral surveys, thus enabling TCP interventions to be implemented before we measured their impact, (2) extension of the grants program to support civil society and mass media watchdog activities in monitoring TCP implementation by the GOU and advocate for reforms, and (3) sustainability and legacy building activities by supporting anticorruption advocacy networks to monitor, advocate, and inform the public about the adherence of the Ukrainian government to its declared anticorruption objectives and activities in four TCP priority areas.

2. MONITORING THRESHOLD COUNTRY PLAN IMPLEMENTATION

ACTION rigorously tracked corruption indicators in Ukraine to support implementation of the Threshold Country Program and provide information backup to citizen and media advocacy campaigns. This monitoring helped to define corruption baseline levels in particular government functions and sectors. It also helped to assess progress (or backsliding) in specific areas to stimulate adjustments in advocacy and reform strategies. Monitoring mobilized civil society, business and mass media communities to action, and it demonstrated -- to both government officials and citizens -- corruption's critical and negative impacts in an objective way that is hard to refute.

The project used several approaches to monitor corruption:

- **Large national surveys** that measure corruption experiences as well as perceptions and probe into problems within key sectors, functions and institutions;
- **Special sector and sample surveys** that probe corruption problems within priority areas and as experienced by particularly vulnerable demographic/occupational groups;
- **Citizen Report Cards** that provide direct feedback from consumers of particular public services on their experiences with the institutions and public officials that deliver those services;
- **Objective indicators** that measure procedural transactions, results, outcomes, and impacts of government performance from which corruption trends can be inferred; and
- **Focus groups** that provide in depth understanding and reasoning to explain corruption trends.

MONITORING IMPLEMENTATION OF THE THRESHOLD COUNTRY PLAN COMPONENTS

To determine if anticorruption initiatives supported by the Threshold Country Plan had the desired impact on reducing corruption levels and improving public knowledge about corruption, ACTION was tasked to monitor the perceptions and experiences of ordinary citizens and specially-affected groups over time. Large sample household surveys were conducted at the beginning, middle and end of the project. Before and after surveys with specialized samples were also conducted to focus on the impact of changes and reforms undertaken in each of the TCP component areas (for a list of major TCP interventions, see table below). In all cases, we used systematic and representative designs to collect comparative quantitative data, as well as focus group and interview data, to further explain the findings.

Achieved: 16 surveys and 104 other data collection efforts

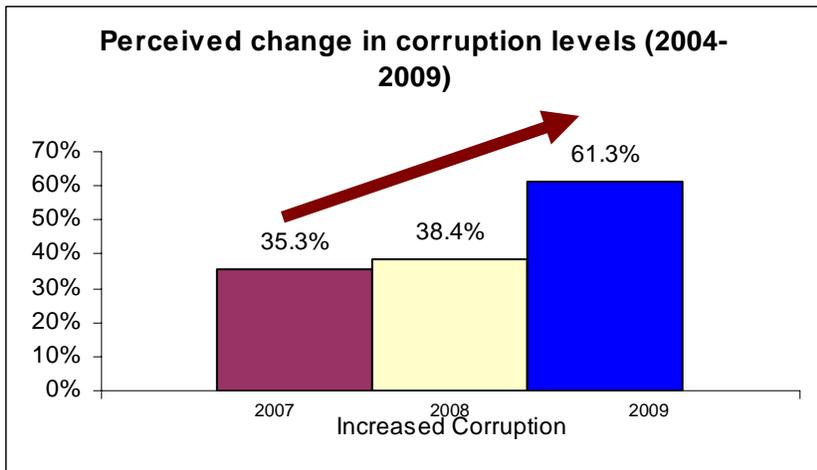
| Component | Major TCP Intervention |
|--|--|
| 1. Civil society/media advocacy & monitoring overall national trends | Advocacy support to NGOs and mass media outlets |
| 2. Judicial system | Registry of court decisions; randomized case assignment procedures; support to Association of Notaries |
| 3. Civil service accountability | Support for conflict of interest legislation, asset disclosure system and Inspector General offices |

| | |
|----------------------------------|---|
| 4. Regulatory streamlining | Support for one-stop shops to obtain permits; New Computerized Transit System |
| 5. Admission to higher education | Implementation of Standardized External Testing for 100% of graduates |

Two experienced Ukrainian survey organizations - *Kyiv International Institute of Sociology* and *InMind* - were contracted to conduct this polling. The ACTION project team worked in close coordination with these groups: ACTION designed the initial survey instrument and analyzed the results, while the local groups conducted pretesting, sample design, interviewing, data entry and quality controls.

Overall, the survey findings show that in most situations during the period of TCP implementation, the incidence of actual corruption *experiences* have gradually decreased, while perceptions of widespread corruption levels have increased. This phenomenon of increasing corruption perceptions at a time of decreasing corruption experiences is not uncommon. The TCP has been instrumental in putting corruption issues high on the public agenda and in the media. Citizens are increasingly aware of corruption scandals and anticorruption efforts – raising negative perceptions – despite the positive effects of TCP interventions.

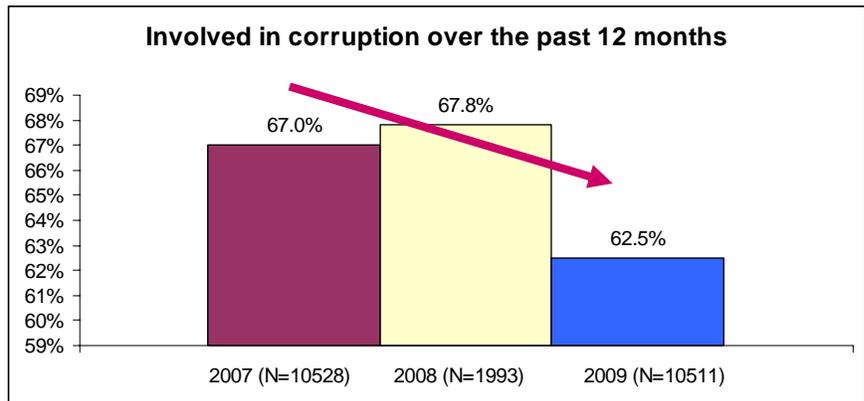
Overall National Trends (Component 1). Between 2007 and 2009, corruption remained one of the five top problem areas identified by a wide majority of Ukrainians. Over 93% of citizens pinpointed government corruption, the high cost of living, the high cost and low quality of health care, crime and



unemployment as major problems facing Ukrainians. In fact, most Ukrainians now believe that corruption levels are increasing sharply: 35% of respondents said that corruption was on the increase in 2007, while 61% said it was on the increase in 2009. This corresponds with a significant decrease in public trust in government structures between 2007 and 2009 – a 6% decline on average.

In 2009, Ukrainians perceived there to be more widespread corruption in more sectors and institutions of government than in 2007. In fact, in 14 out of 20 sectors and institutions corruption was seen as

having increased in 2009. These include most prominently the state auto inspection, the court system, the police (*militzia*), healthcare, the Prosecutor’s office, universities, land privatization and ownership, government permit authorities, and the tax authorities. This list includes sectors and institutions in each of the TCP component areas. Looking across sectors



and institutions in comparison to 2007, our cumulative Corruption Perception Index increased from 35% in 2007 to 38% in 2009.

This perceived growth of corruption in Ukraine is not a problem that can be attributed solely to growing greed among government officials. A majority of Ukrainian citizens (51%) believe that the use of corruption is sometimes or always justified to get things done and solve personal problems. Thus, corruption in Ukraine is a *two-way street*: citizens may initiate corrupt transactions to get what they want and government officials may initiate them as well for private gain. Over the past two years, there have been no significant changes in these beliefs.

The results presented so far reflect respondent perceptions. But what do the surveys say about actual experiences with corruption that Ukrainians face on a regular basis? The overall number of citizens reporting having experienced at least one corrupt transaction over the past 12 months is very high – 62.5% in 2009 – but that reflects a decline of 4.5% (from 67% in 2007).

When examining the particular types of corruption that have been encountered, results show that *extortion* has declined from 25.6% in 2007 to 22.1% in 2009. *Voluntary bribe-giving* has declined from 13.1% in 2007 to 9.9% in 2009. The *use of personal connections* has also declined from 23.4% in 2008 to 13.7% in 2009 on average.

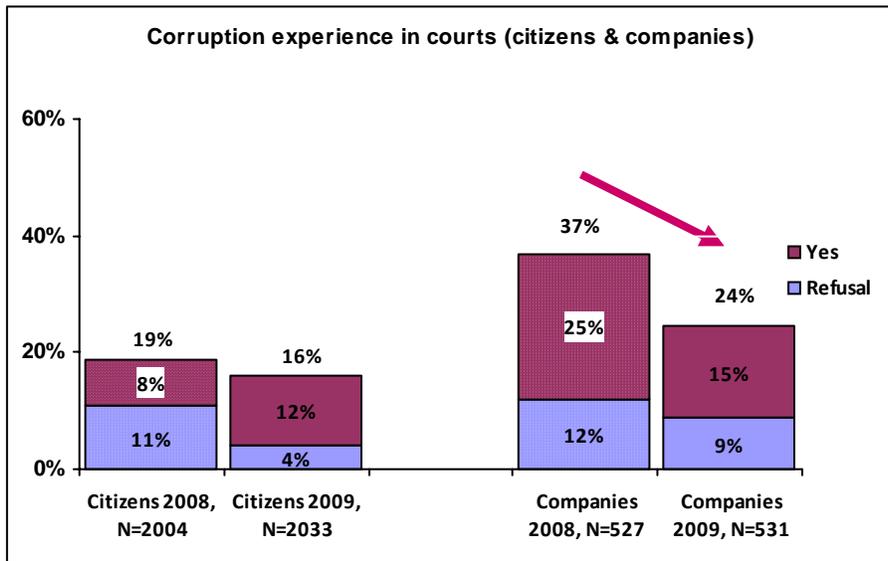
Victims of corruption generally do not exercise and defend their rights. The main reason for not filing complaints against an official remains the belief that such actions will be futile. Is there hope for the future? A slowly growing number of citizens indicate that they are ready to stand up for their rights if confronted with corruption (36% in 2009). Those who say they are ready are primarily men, young people, wealthier citizens and the well-educated.

Ukrainian beliefs of what government should do to curb corruption effectively include removing immunity for Rada deputies, enforcing criminal sanctions for corrupt actions more forcefully, and firing corrupt officials and banning them from holding public positions in the future. The trend in these beliefs is gradually shifting to harsher remedies.

Judicial System

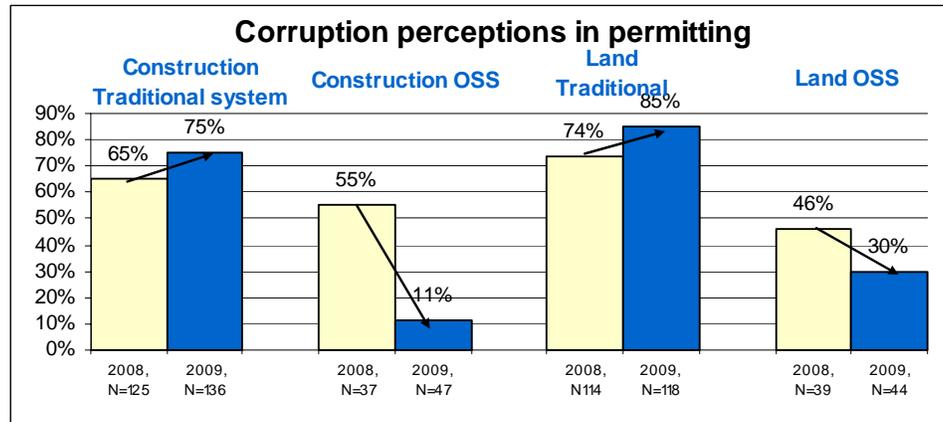
(Component 2).

Among citizens and businesses, the biggest problems in dealing with the court system are long delays in court proceedings and the impunity of judges. For the majority of lawyers and prosecutors, the key problem in the judicial system is clearly the impunity of judges; this belief has grown stronger between 2007 and 2009.

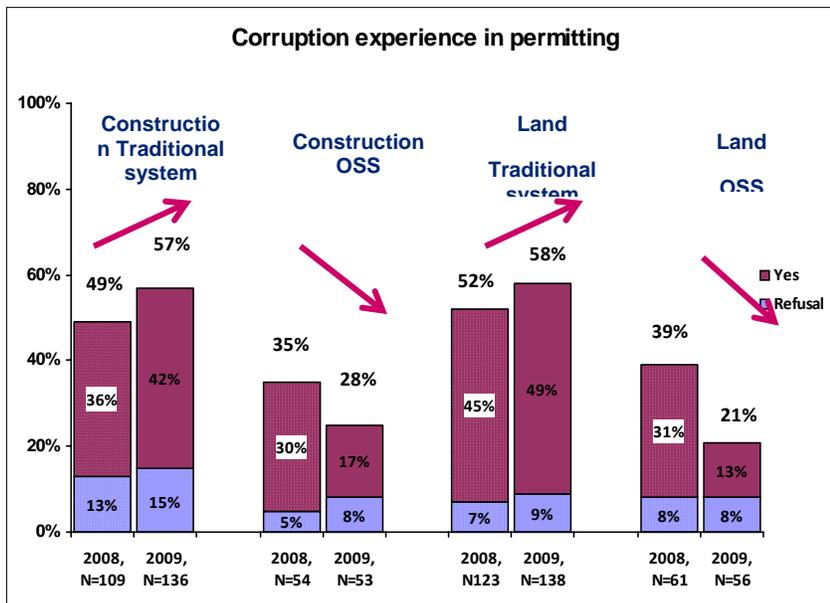


Lawyers and prosecutors perceive that corruption is widespread within all stages of the judicial process and this perception has increased significantly since 2008 (from 32% to 41%). In particular, they believe that corruption is particularly pervasive at the pre-trial inquiry stage. Among citizens and businesses, more than one-third is strongly suspicious that their counterparts in court cases have attempted to influence the court decision in the form of a gift, service or bribe.

Despite these beliefs, companies have experienced a significant decrease in their corruption encounters within the court system between 2008 and 2009 (from 37% to 24%). Citizens have also experienced a decrease, though smaller, in their encounters with corruption in the court system over that same time period (from 19% to 16%). The most common type of corruption experience among citizens has become extortion, especially initiated by judges.



Lawyers, prosecutors and company representatives were the most well-informed about the Unified Registry of Court Decisions, a TCP initiative. Since January 2008, there was an increase in the share of respondents that knew about the registry and had experience using it. Of those who used the system, a majority (56% on average) believed that it generated greater transparency in judicial decisions and thus, would reduce corruption in the courts.



Civil Service (Component 3).

The vast majority of citizens (89%) perceive widespread corruption among civil servants. This opinion has not changed between 2008 and 2009. Over this same period, a much smaller 17% of respondents indicated that they or their family members were actually involved in some type of corruption transactions with public servants over the previous 12 months. This took the form of giving a gift, favor, service or bribe, being extorted by a public servant or using nepotism or favoritism to resolve a problem.

This activity has remained at fairly constant levels between 2008 and 2009. At the same time, a growing number of citizens (from 79% in 2008 to 86% in 2009) believe that government actions to curb corruption in the public service are not effective.

| | Number of visits per step | | Average number of days | |
|-------------------------------------|---------------------------|----------|------------------------|----------|
| | 2008 | 2009 | 2008 | 2009 |
| Traditional land permitting | 3.9-11.8 | 4-5 | 220 days | 182 days |
| OSS land permitting | 3.8 | 2.6 | 68 days | 53 days |
| Traditional construction permitting | 5.9-12.9 | 5.4-11.5 | 300 days | 300 days |
| OSS construction permitting | 3.3 | 4.1 | 80 days | 42 days |

Business Regulation (Component 4). Among businesses that seek construction and land permits from government, their perceptions that corruption is widespread when using the traditional regulatory procedures have increased significantly. In sharp contrast, the perceived level of corruption among business users of the new one-stop shops that streamline construction and land permitting regulations has declined dramatically.

Strongly correlated with these perceptual findings, businesses that used the services of the traditional permit authorization system and were faced with instances of corruption increased by 6% (for land permits) and by 8% (for construction permits) between 2008 and 2009.

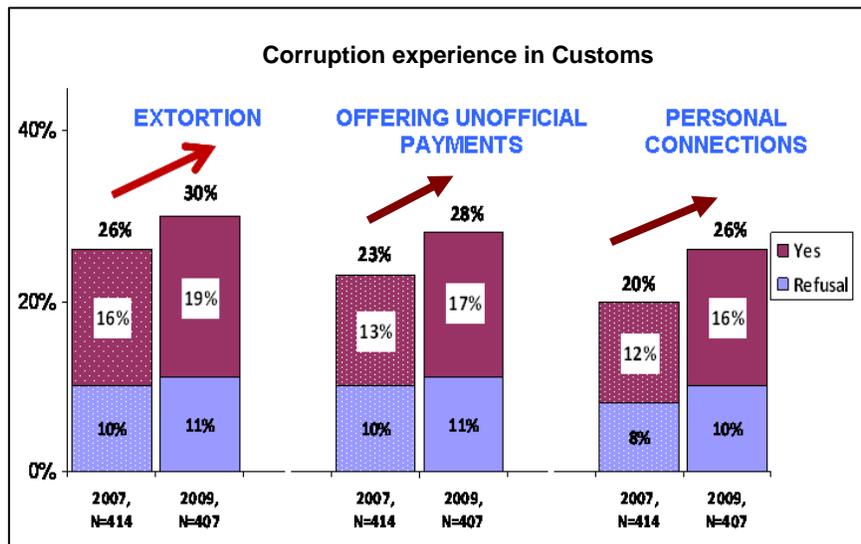
On the other hand, corruption experiences for companies that used the new one-stop shop services were significantly decreased (by 18% for land permits and 7% for construction permits) between 2008 and 2009.

The TCP-supported implementation of one-stop shops was significant not only in reducing incidents of corruption, but in increasing efficiency as well. By cutting the number of visits required to get permits in half and slashing the average number of days required, the opportunities to interact with corrupt officials were also reduced.

The other major regulatory sector addressed by the TCP was Customs. Both in 2007 and 2009, the most corrupt stage in customs procedures was perceived to be at border crossings. On the other hand, corruption was perceived to have decreased significantly between 2007 and 2009 when paying official fees.

Corruption experiences among businesses transacting with customs has increased over the past two years – from 36% to 43%. All forms of corruption have seen increases.

Both in 2007 and 2009, the most corrupt customs personnel involved in the clearance of goods were identified as the customs inspectors (68%-71%), and, to a much lesser degree, customs managers and department



heads (23%). Since late 2007, there were no major changes in the experience companies encountered at different stages of the customs clearance process. Most (62%) indicated that they encountered corruption during the document inspection stage.

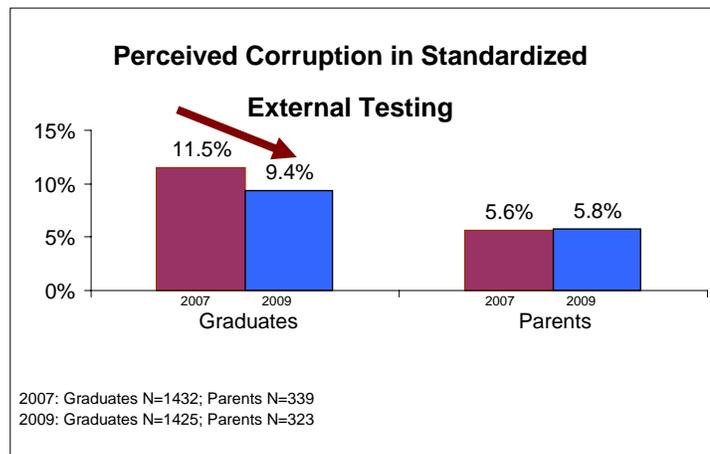
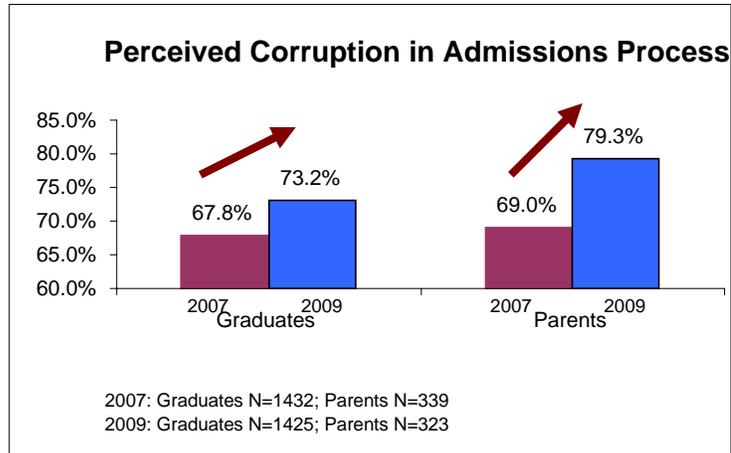
Admission to Higher Education (Component 5). There are growing suspicions of widespread corruption during the admissions process to higher educational establishments. Between 2007 and 2009, corruption perceptions among graduates increased from 68% to 73% and among graduates’ parents from 69% to 79%.

Within this troublesome context, the TCP supported implementation of nationwide standardized external testing (SET) for 100% of students to reduce corruption in the admissions process. Between 2007 and 2009, the perception of corruption by graduates during the SET decreased from 11% to 9%.

Actual corruption experiences reported by graduates or their parents during the SET also decreased from 4.5% to below 1% over this period. A remaining component of the admissions process that appears to be driving negative opinions about corruption is the selection committee, which could be a focus for future anticorruption initiatives.

Conclusions. A summary of overall findings is presented in the following table. As indicated earlier, perceptions of widespread corruption tend to persist even after actual experiences with corruption declines. Corruption perceptions are on the increase when it comes to the court system, customs authorities, and generally across the board in dealing with governmental officials. At the same time, corruption perceptions in construction and land permitting and in higher education admissions are on the decline, in part, due to TCP initiatives.

The TCP interventions appear to have had concrete short-term impacts in most component areas – the incidence of corruption has decreased in the court system, in obtaining land and construction permits, and in admissions to higher educational institutions. The ordinary citizen also indicated that corruption experiences across the board were decreasing slowly. The exceptions to this rule relate to civil service ethics -- where there was no change reported in the incidence of corruption -- and in customs -- where corrupt transactions reportedly increased.



| Component | Survey | Perceptual Results | Experiential Results |
|-----------|--|--|--|
| 1 | Households nationwide March 2007-March 2009 (N=10,500) | Corruption levels increasing – from 35% to 61% | Corruption experiences declining slowly – from 67% to 62.5% |
| 2 | Judicial system March 2008-April 2009 (Companies N=500; lawyers/ prosecutors N=175/100) | Perceived corruption among lawyers increasing from 32% to 41% | Corruption experiences for companies declining from 37% to 24% |
| 3 | Civil Service February 2008-2009 (N=2,000) | 89% perceived widespread corruption – no change | 15% experienced corruption – no change |
| 4 | Land/Construction March 2008-March 2009 Construction N=136 (OSS=53) Land N=136 (OSS=56) | Construction-- Traditional: 65% to 75% and OSS:55% to 11% Land—Traditional: 74% to 85% and OSS: 46% to 30% | Construction-- Traditional: 49% to 57% and OSS:35% to 28% Land—Traditional: 52% to 58% and OSS: 39% to 21% |
| 5 | Customs December 2007-May 2009 (Companies N=400) | Perceived corruption at border crossings increased from 61% to 65% | Actual corruption experiences increased from 36% to 43% |
| 6 | Education Feb. 2008-Nov. 2008-July 2009 High school graduates N=1600 Parents of graduates N=400 | Perceived corruption in admissions process increased from 65% to 73%; in SET decreased from 11% to 9% | Actual corruption experiences decreased from 4.5% to 0.8% |

DISSEMINATION OF SURVEY RESULTS

Effective communication of these tracking results was viewed as very important to achieve the desired impact. The ACTION Project developed a multi-staged approach for disseminating the findings from corruption surveys. Foremost, the monitoring results were transmitted to TCP implementers so they could assess their efforts and adjust their programs as necessary to have the greatest impact.

Achieved: 10.3% of the population indicated they were aware of corruption survey results

The Communications Strategy also made full use of mass media allies, local government networks, NGO meetings and roundtables, and websites, regionally and nationwide. As a result of these public outreach activities, citizen awareness of the project’s corruption survey data remained consistently high – at between 9 and 11 percent. By the end of the project, 10.3 percent of respondents, corresponding to 3.84 million Ukrainians above the age of 18, indicated that they were knowledgeable of the project’s research results on corruption trends and levels.

ESTABLISHMENT OF ACCESSIBLE CORRUPTION SURVEY ARCHIVES

To make corruption tracking data available to all interested parties into the future, a database archive of accessible Ukrainian corruption surveys was established and launched on 20 June 2008. This archive is maintained by the Kyiv International Institute of Sociology (KIIS) which has gathered all surveys conducted under the ACTION Project as well as related research conducted by others. KIIS continues to search for additional databases related to corruption in Ukraine. Currently, the archive contains 61 nationwide, regional and local level studies on corruption. To date, more than 60 users have registered to download and use these databases. Users have included the Presidential Secretariat, the Council of National Security and Defense of Ukraine, sociologists, students, and academicians.



ABOVE: National press briefing of baseline corruption survey results

3. FOSTERING CIVIL SOCIETY ANTICORRUPTION ADVOCACY



ABOVE: Training local trainers on anti-corruption and advocacy

throughout the country and at all levels.

To better represent public interests, advocate for policy reforms and monitor government in different sectors and at different levels, civil society organizations require a good understanding of the issues, strengthened skills and capacity, and more effective coordination of their activities. Over three years, the ACTION project conducted targeted training to strengthen CSO skills to carry out effective corruption monitoring and anticorruption advocacy activities, provided hands-on practical assistance in implementing advocacy campaigns, provided financial support through a multidimensional grants program, and promoted the establishment of an effective national network to share experience, conduct joint actions and channel an effective message

BUILDING ANTICORRUPTION KNOWLEDGE AND ADVOCACY CAPACITY OF CSOs

To strengthen capacity and mobilize civil society organizations and the media to introduce reforms aimed at counteracting corruption, the ACTION team established nine *Regional Information and Resource Centers* (RIRC) based in existing CSOs. RIRCs provided information about the project and its activities, carried out training and consultations for local CSOs and grantees, and coordinated grantee work.

During 2007-2009, 143 grants were awarded to CSOs. Representatives of these CSOs participated in:

- 42 quarterly regional meetings
- 4 sectoral meetings with leading specialists from public institutions and other TCP components on issues dealing with land, regulatory policy, education, professional and ethical standards for public servants, and the judicial system.
- 110 training workshops on anticorruption information campaigns; public monitoring and advocacy; judicial aspect of combating corruption; citizen participation and cooperation with authorities in anticorruption campaigns; effective communication and presentation skills for advocacy groups; NGO and financial management; negotiation skills for advocacy groups; and performance evaluation of anticorruption projects. Over 2,370 NGO members participated in these workshops.
- More than 150 monitoring visits.



ABOVE: Capacity-building training on negotiating with authorities

In addition, in October 2008, ACTION conducted a five-day advanced training school for 52 members of NGO networks and coalitions in public monitoring methodology, report preparation and presentation, and targeted advocacy campaigns at different levels.

Through the RIRCs, ACTION advanced CSO professional knowledge and skills in implementing anticorruption activities, improved their understanding of corruption issues, built capacity, coordinated joint efforts focused on monitoring government performance, and prepared them to conduct effective public advocacy campaigns.

SUPPORT FOR PUBLIC AWARENESS CAMPAIGNS

Over the course of the project's implementation, CSOs conducted 150 targeted public awareness/dissemination campaigns which attracted the involvement of over 71,000 people, produced 17,039 brochures and leaflets, hosted 1,531 roundtable discussions and presentations, and published 3,328

Achieved: 150 dissemination events, 49,757 website hits, and 800 name email list

articles through mass media outlets. The public awareness campaigns focused on disseminating the results of ACTION's corruption studies, increasing citizen awareness of corruption and its impacts, enhancing legal awareness of citizen rights and responsibilities, and encouraging citizens to get involved in anticorruption activities. These events highlighted corruption prevention issues in the justice system (the qualification of judges and notaries, and the new register of court decisions), public service



ABOVE: Distributing “Know your rights” flyers and posters in Kyiv

delivery, ethics in government (concerning income and asset declarations, and ethics codes), the regulatory system (dealing with land and construction permits, and import/export procedures), and the higher education system (concerning the transition from high school to university, and admissions examinations).

The RIRCs hosted press conferences, carried out press tours, conducted working sessions with local authority figures and representatives from media outlets, organized negotiation platforms with local state authorities in the Zhytomyr, Khmelnytsky and Vinnitsa regions, and conducted informal anticorruption discussions with the governors of the Sumy, Poltava and Kharkiv regions. The RIRCs conducted 56 information events with the

participation of 1260 people during only the first year of their work

Most of these public awareness/dissemination campaigns highlighted the findings of ACTION's corruption studies in particular sectors and involved cooperation with mass media outlets. Through these initiatives, ACTION CSOs provided information to local citizens on how to prevent corruption and increase transparency and accountability in local state institutions, how to protect the interests of people and the community, how to develop intolerance towards corruption, ways to influence decision-making processes, methods to encourage public servants to adhere to their code of ethics, and how to mobilize citizens in anticorruption campaigns.

A few illustrative examples of public awareness campaigns supported by ACTION follow.

- NGO Vested from Uzhgorod city developed several handbooks about municipal services provided by the city and how citizens can obtain and utilize those services. These handbooks especially help the rural population overcome their lack of knowledge about their rights and avoid corruption challenges when they seek these services. In addition, Vested conducted a number of awareness-raising workshops that introduced greater transparency in pilot villages.
- The NGO Drivers' Union in Rivne oblast conducted 30 anticorruption workshops for more than 750 students in driving school. The Drivers' Union legal center represented over 60 victims of corruption in court with a 90% success rate. They also got the attention of the regional Prosecutor's Office which began an official investigation of the regional chief Auto Transport Inspection Office.

Achieved: 143 grants awarded to NGOs for awareness or advocacy projects totaling almost \$3.5 million and 42 grants to the media totaling almost \$1.4 million.

PROMOTING TARGETED ADVOCACY INITIATIVES

The ACTION project emphasized that the success of non-governmental initiatives depends in large part on the development of a partnership between NGOs and government authorities. NGOs can demand change, but only public authorities have the power to enact change. By developing a cooperative dialogue and skills to negotiate with authorities, NGO advocacy campaigns can promote changes to laws, regulations, procedures and institutions that have a higher likelihood of being adopted and institutionalized by public authorities.

| Type of advocacy campaign | Level of reforms | | | Total |
|---------------------------|------------------|-----------|-----------|------------|
| | National | Regional | Local | |
| Budget relations | | 5 | 2 | 7 |
| Permit procedures | 3 | 2 | 17 | 22 |
| Ethic standards | | | 5 | 5 |
| Communal services | | | 10 | 10 |
| Construction | | | 3 | 3 |
| Land relations | | 5 | 17 | 22 |
| Public awareness | 1 | | 5 | 6 |
| Communal property | | | 3 | 3 |
| Cultural heritage | | 5 | 1 | 6 |
| Sectoral partnerships | | 4 | | 4 |
| Municipal services | | | 11 | 11 |
| Education | 3 | 8 | 6 | 17 |
| Entrepreneurship | 1 | 1 | 4 | 6 |
| Transportation | 2 | | | 2 |
| Social services | | 1 | 5 | 6 |
| Total | 10 | 31 | 89 | 130 |

Many NGO initiatives sponsored by the project resulted in successful partnerships between non-governmental organizations and public authorities at regional and local levels to produce effective outcomes. The results of these projects impacted decision making processes at the national and local levels in key areas related to the Threshold Program and in areas of significance to the NGOs' constituents.

The issues dealt with and the levels at which the campaigns were waged vary significantly (see table). As a result of 114 multi-component anticorruption advocacy campaigns sponsored by ACTION and

conducted by Ukrainian grantees throughout the country, a total of 130 concrete reforms were adopted. Of these campaigns:

- 65.8% achieved one or more reforms (38.6% achieved one reform and 27.2% achieved 2-to-8 reforms each)
- 34.2% achieved no reforms.

Achieved: 114 multi-faceted advocacy campaigns conducted by NGOs

The ACTION project paid special attention to CSO initiatives that focused on independent monitoring of local programs and the performance of public authorities. As citizen watchdogs, NGOs conducted comprehensive examinations of how authorities went about preparing and adopting decisions and then monitored or enforced their execution. The goal of non-governmental monitoring is to target a government function or service that is viewed as essential by the community and then assess performance through direct observation and measurement on how

Achieved: For life-of-project, 65.8% of advocacy campaigns achieved one or more reforms

effectively those functions or services were delivered and if there was mismanagement, misconduct or abuse involved. The results of such watchdog activity can be used to provide feedback to authorities so they

can improve their day-to-day work, but can also assist in exposing corruption or inefficiencies in the delivery of public services or government decision-making. ACTION grant beneficiaries that conducted such monitoring campaigns on the performance and execution of public programs published and disseminated their reports widely, along with recommendations for changes to regulations, laws and procedures.

Overall, ACTION advocacy programs were conducted across Ukraine as shown by dots on the map below. Some examples of successful advocacy campaigns include the following:

- The Center of Public Initiatives from Perechyn city developed a draft Code of Ethics for civil servants. It was approved and adopted by the City Council.
- NGO Chaika from Luhansk city worked in three cities in Luhansk oblast to promote improved housing maintenance and utilities reform. The NGO developed proposals for a reform program that were published in the mass media and it conducted an advocacy campaign to avert an increase in tariffs for heating services. Cooperation with the Ministry of Housing Maintenance and Utilities was established and joint roundtable discussions were held. As a result, Chaika became a member of the working group to implement housing maintenance reform in the city. In addition, an existing contract



ABOVE: Major advocacy campaigns against corruption initiated throughout Ukraine



ABOVE: Advocacy campaign in Kyiv

- that had been signed by the city illegally was cancelled.
- NGO TORO from Kirovograd city developed a public monitoring approach to track the use of state budget funds for child healthcare. They advocated with the oblast Rada and State Administration to gain approval for this NGO monitoring. As a result of their efforts, a directive was signed that enabled this monitoring to be conducted on a regular basis.

Anticorruption Advocacy Campaigns with an Impact

One-Stop Shops. The ACTION project mobilized a coalition of five NGOs in different regions of Ukraine to conduct public monitoring of 17 one-stop shops, established to process business permits faster and with fewer opportunities for corruption than the traditional procedure. Using a common methodology, this coalition reported that the OSSs cut the required visits in half, reduced the number of days needed to obtain a permit, and constrained reported instances of corruption. At the same time, OSS users complained that access to information about OSS processes was inconvenient and services available were sometimes limited. There was also a lack of uniformity in procedures followed and documents issued from each office, as well as, inadequate staffing due to low salaries, all potential contributors to corruption in the future. A report was written and presentations made to the five local authorities, OSS representatives and the State Committee on Entrepreneurship. Several of the coalition's recommendations to change and standardize procedures were accepted by the authorities and incorporated into resolutions of the Cabinet of Ministers and the State Committee. As a result, potential corruption risks at the OSSs have been reduced and their services made more efficient and predictable.

The Small Business Laboratory of Slavutych advocated with the town council to establish a one-stop shop for construction and land allocation permits. Since one did not exist in town, businesses had to travel to permit authorities in Kyiv to obtain them which took valuable time and resulted in corruption vulnerabilities to speed the process. The town council approved the OSS in March 2008 and the Laboratory helped to implement it, ensuring highly transparent procedures.

Youth Awareness in the Schools. Public opinion surveys conducted by the ACTION Project indicate that Ukrainian youth are among the primary groups victimized by corruption and is a group that voluntarily participates in corrupt activities. In view of this, the Lviv-based NGO, For a Common Future, developed an interactive simulation exercise and curriculum for students to make them more aware of the negative costs of corruption and what to do about it. They worked with to the Lviv State Administration, which ordered that anticorruption classes would be included in the school curriculum on Legal Studies for Grades 9–11 starting in the academic year 2008-2009. Teachers were trained and the course was launched in 1000 out of 1450 schools. Next, the NGO developed a manual for the course, with the involvement of specialists from the Ukraine Ministry of Education and Science. In August 2009, the Commission on Educational Work of the Research and Methodological Council of the Ministry approved the manual and recommended it for use in secondary, vocational, professional and higher education institutions of I-II accreditation levels.

Protecting Pensioners and the Disabled. Vulnerable groups, such as pensioners and the disabled, are frequent targets of corruption when they seek social services from the state. The Ternopil-based group, Land Owners Union, conducted an advocacy activity to protect these groups from exploitation. They monitored and evaluated the performance of four Territorial Centers that provide services to pensioners and disabled citizens as part of the oblast's Department of Labor and Social Protection. Their observations revealed violations in

Access to Public Information is being reviewed and prepared for its second reading by the Supreme Council of Ukraine Committee on Freedom of Speech and Information.

University Admissions Network. A network of 12 organizations was engaged in monitoring the performance of entrance examination committees during the admission campaign for higher academic institutions in 2008. The goal was to evaluate how the results of independent external testing were used by the higher academic institutions as well as to uncover shortcomings and power abuse taking place during the admissions process. Based on the recommendations provided by the coalition, the Ministry of Education inserted changes to the 2009 rules regulating admissions to higher educational institutions that will reduce the use of personal influence and other corrupt practices.

Citizen Advocate Office Network. A network of 15 anticorruption citizen advocate legal support offices was created to provide consultations on combating corruption and excessive bureaucracy experienced by citizens. The network produced a manual that could be used by other citizen advocate offices. In addition, coalition members delivered 10,536 consultations and conducted 134 public information events that informed 19,121 people about ways to recognize and combat



ABOVE: Education Network developing a university admission monitoring

corruption. 5,562 citizens received information and individual assistance on resisting corruption. In addition, lawyers from these citizen advocate offices assisted 474 citizens in court appeals and 37% of court decisions were made in favor of these corruption victims. As of the time of this writing, 17% of cases are still pending in the court.

Land Reform Network. A network of five organizations promoted land reforms. Its activities focused on decreasing corruption in the municipal agricultural land sector by providing information to citizens on available agricultural land plots owned by the state and how to lease and use agricultural land owned by the state. Members of this network advocated for the approval of a resolution in the city Rada (Khrystynivka city) to allow public interests to be taken into account during urban planning discussions. Approval of this regulation provides greater transparency and public accountability at all city planning stages. The increased transparency also provides developers with greater protection from the need to bribe authorities when getting permits and licenses.

State Budget Subventions Network. A network of seven organizations monitored state budget subventions at the local level. The goal was to analyze the use of different subventions in order to expose potential budget sector abuses and create recommendations for the public authorities. Based on the results of monitoring state budget subventions in Mostytsky Rayon, the Rada issued a resolution allowing for public monitoring on a regular basis. The findings provided local self-government with an improved understanding of how to select better contractors, cooperate and partner with local communities, and use various financing sources. In addition, an action plan was developed jointly with local authorities to increase planning efficiency and state subvention use. The plan was placed on the official website of the Mostytsky rayon State Administration for public access. In addition, the Ukrainian Ministry of Finance adopted recommendations of one of the coalition members to notify

and include NGO representatives and public experts into the process of assigning state budget subventions to local governments.

Construction Sector Network. A network of five organizations promoted the introduction of transparent and corruption-free procedures in the construction sector. It monitored the general development sector situation in selected towns and developed recommendations on how to improve local regulations pertaining to construction. As a result of public hearings organized by NGO Vsesvit conducted in Yalta, Crimea, a decision made by the city council was cancelled that allowed use of city park land to build a private hotel. More than 500 citizens took part in the public hearing and demanded cancellation of the city council's illegal decision.

Business Regulation Network. A network of six organizations monitored and evaluated the performance of 17 one-stop shops. It then prepared recommendations on how to improve existing local regulations governing permit and licensing centers. As a result of the network's recommendations, the Cabinet of Ministers of Ukraine and the State Committee for Entrepreneurship issued resolutions that will simplify the procedures for businesses to obtain licensing documents for economic operations.

Accessibility of Information Network. A coalition of six organizations was involved in monitoring the accessibility of information from local self-government bodies in 176 cities and then provided its results to the general public. The coalition developed a common list of services that could be published by local self-government bodies to ensure transparency in their activities and decrease corruption; evaluated and rated the web pages of the local self-government bodies; provided training to representatives of the local self-government bodies on the basics of communications policy; and prepared recommendations and measures that would improve information delivery to the general



ABOVE: Reports on corruption in various sectors

public regarding local self-government activities. As a result of public ratings of 176 city web pages by the network, the Mykilayiv City Mayor issued an order that established a new working group of experts and public representatives to design and implement better e-governance and e-democracy tools. The Odessa city council changed the address of its official web site and advertised it throughout the city. The Chernivtsi city head issued an order that obliged specialists of the city council to participate in training on best practices to enhance access to information and information transparency. In addition, several cities prepared draft informational policies for citizens to be approved by their city councils.

More Anticorruption Advocacy Campaigns with an Impact

Reducing Misuse of Public Property. The Crimean Youth Organization, Vsevit, monitored the use of municipal property in the Saki district of the Autonomous Republic of Crimea. They found that the use of nearly all municipal properties in the Vityne village was unauthorized and serving private, not public, interests. For example, the village club and post office were being used for individual housing without any legitimate grounds. Along with the approval of local authorities, a citizen self-organized body, the Vityne Village Committee, was established with the right to control use of municipal property; another village followed suit. As a result of the Committee's efforts, several properties premises were returned to their authorized public use.

Simplifying Land Privatization Regulations. The NGO, Agency for Economic Development in Voznesensk (Mykolayiv region) successfully implemented a project aimed at combating corruption in the area of land privatization, protecting citizen rights to privatize land under a private house free of charge. The existing procedures involved excessive bureaucracy, violations of regulations, inconsistencies and requests for bribes. The NGO developed a simpler procedure for land privatization based on existing law and advocated for its adoption by the town council. The new streamlined provisions transfer powers for land privatization to an existing body, the municipal property department. This move reduced the processing of documents and the number of officials involved in the process, thereby eliminating opportunities for corruption. The new procedure was approved by a town council resolution and entered into force in December 2008, making land privatization more transparent, faster, cheaper and accessible to ordinary citizens. This streamlined approach can be adopted by any Ukrainian settlement.

Making Land Valuation Procedures More Transparent. The charity foundation, Mecenat, in Nikopol advocated with the town office for construction and architecture, to change procedures for land valuation. Existing methods did not take into consideration the location, pollution, availability of water and heating networks, topography, and recreational usage which created conditions for corrupt manipulations during the land allocation for construction. The foundation worked with experts to revise the rules and procedures, introducing more transparent and standard rules for calculating land valuation. The Nikopol Town Council approved the new procedures on August 1, 2008 and continued monitoring by the foundation indicates a significant boost in income for the town as a result of the changes.

Code of Ethics for Civil Servants. The Center for Civil Initiatives in Perechyn, in cooperation with local officials and the public, developed a draft Code of Ethics for Civil Servants in the administration. At the same time, a partner organization in Uzhorod, Vested, developed a reference handbook containing an exhaustive list of services provided by the local government and an explanation of the procedures, costs, timelines and responsible parties to deliver those services. In October 2009, the Code was completed and it was approved by the town council. The executive committee then adopted a resolution to approve the Code of Ethics for Staff of the Secretariat of the Town Council. The approved Code not only provides ethical principles of behavior for civil servants, but also obliges officials to declare his/her income and expenses. Such approaches help to reduce the abuse of public office and eliminate corruption.

Publication of Court Decisions. By the Law “On Access to Court Decisions” (2006) and the Unified State Registry of Court Decisions, court decisions are to be compiled and made accessible. Among the reasons for establishing such a data base is facilitating the uniform application of laws and law enforcement, and the detection of instances of corruption. The East Ukrainian Center of Civil Initiatives monitored the implementation and usage of the Registry in 666 local courts of general jurisdiction and detected many failings. The Centers recommendations were presented and discussed at a meeting of the Public Council of the State Court Administration of Ukraine and, as a result, representatives of the judiciary began to pay more attention to the proper functioning of the Unified State Registry.

4. PROMOTING INVESTIGATIVE JOURNALISM AND OTHER MEDIA ANTICORRUPTION ADVOCACY

Investigative journalism is considered to be one of the primary tools for detecting and exposing corruption, but it has been relatively unpopular in Ukraine. Major media publications and outlets are influenced by the political environment and they do not necessarily provide in-depth, objective and evidence-based analysis on corruption issues or stories. Sometimes, these sources are viewed as biased and lack people's trust. Therefore, the ACTION Project provided comprehensive support to investigative journalism. The project 1) provided training on investigative journalism techniques; 2) provided free legal advice to journalists; 3) cooperated with editors and owners of mass media to promote their support of investigative reporting; 4) organized national competitions for the best journalistic investigations; and 5) worked on improving legislation that regulates access to public information.

BELOW: Investigative reports on corruption issues



TRAINING ON INVESTIGATIVE REPORTING FOR JOURNALISTS

Investigative journalism is a complicated genre that requires time and particular journalistic skills. For instance, investigative reporters need to know how to obtain and analyze information sources and how to assess and use evidence. It is also vital that journalists be capable of discerning threats to their personal security, as well as to the safety of their families. They also need to assess the reliability of the sources of their information. The media component of the ACTION project focused on training journalists in investigative reporting techniques that would assist them in these areas.

The Regional Press Development Institute (RPDI) implemented a large-scale effort with the support of the ACTION project beginning in September 2007. Their activity included three components: journalist training (introducing methods of investigative reporting to address corruption issues), technical consulting, and grant support. Eighteen two-day workshops for beginners and four five-day advanced workshops were conducted across Ukraine. As a result, 748 journalists developed their professional skills, discussed problems with their colleagues, received consultations from experts, and started their own investigations. At the beginning of the project, RPDI conducted a public awareness campaign to inform journalists about the workshops in 2009.

Achieved: 748 journalists trained in investigative reporting (513 women and 235 men)

REPORTER STIPEND SUPPORT

Another successful activity implemented by RPDI provided grants to individual journalists engaged in corruption investigations. The program included consultations by experts and organizational and financial support for journalists involved in these investigations from national and regional mass media sources. The program had the following objectives: inform society about corruption; strengthen citizens' ability to counteract corruption; engage more people and non-governmental organizations in combating corruption efforts; increase the level of public trust in the mass media as an informational source; advance professional skills; increase work standards within the Ukrainian mass media; promote investigative journalism as an important and promising tool in the journalistic arsenal; and contribute to the development of investigative journalism within Ukrainian mass media.

The program was open to journalists across Ukraine working in all areas of the mass media regardless of their experience in investigative journalism. The main program criteria were that journalists have an interesting subject for investigation related to corruption, the potential to complete the investigation within an established period of time, and the skills to produce quality, interesting and relevant materials that would be made published or broadcasted. The RPDI program provided 84 individual grants. By July 2009, 58 investigations had already been published or broadcasted.

Media's Investigative Reporting on Corruption that Made a Difference

Corrupt Land Seizures. Natalia Bimbiraite, a journalist from Kherson, investigated an illegal scheme involving a local deputy, which sought to cause the bankruptcy of a private business in order to seize the valuable seaside land on which it was located. The published report led directly to an official investigation by local law enforcement that confirmed that the directors of the scheme cost the state 1 million UAH. The guilty parties were brought to justice, which included forfeiture of the property. At the same time, the local deputy who was mentioned as a perpetrator took the newspaper to court, claiming slander and demanding compensation. But the judge denied his claim, referring to European legal norms that a deputy, being a public servant, should be prepared for intense public attention.

More Unlawful Seizures of Property. In 2007, journalist Serhii Malniiov began an investigation into the activities of a "raider" group in Crimea that was supported by high officials and involved in illegal seizures of state-owned and private property. Among the properties they tried to seize were two children's sanatoriums that belonged to the Ministry of Health. The journalist found that the raider attacks were initiated and supported by a judge and a deputy prosecutor. When the journalist started his investigation, he wisely asked for support from local law enforcement. Simultaneously, conflict between sanatorium guards and the raider's armed unit resulted in the death of one person. This immediately compelled local law enforcement to begin criminal proceedings and in the course of their probe, the Ministry of Interior's investigators corroborated all the facts published by the journalist. The case was forwarded to court which pronounced guilty sentences for most members of the raider group under criminal law. The court also sentenced the main defendant under economic law. Unfortunately, the deputy prosecutor managed to remain in office, but the head of the Domestic Safety Department was fired. Ultimately, the two sanatoriums were returned to state control.

Seeking Declarations of Income and Expenses. Journalists Valentyna Samar and Anna Andriyevska of the Center of Journalist Investigations in Crimea implemented a 3-month media campaign called "Be Open about Your Income!" The goal was to pressure local government officials and members of parliament to declare their income and expenses publicly, despite the fact that current laws do not oblige income disclosure by local officials

and do not impose consequences for failing to do so. As a result of these articles, four members of the Ukrainian parliament, 11 of Crimea's top officials and members of parliament, and the President of the Appellate Court of Crimea published their income declarations.

Corruption in Public Procurements. In July 2007, journalist Andrii Marusov published the results of his investigation into the Tender Chamber of Ukraine, the LLC European Consulting Agency and others that made the cost of participating in the public bidding process unacceptably high. The Law of Ukraine "On Procurement of Goods, Works and Services with Public Funds," adopted on March 17, 2006, provided legal status for the Tender Chamber as a non-profit union of NGOs. With no other equivalent entity to provide checks and balances, this Chamber essentially wielded the power and authority of a state institution. It imposed very high costs on entrepreneurs to participate in the bidding process, to the point that small- and medium-sized businesses had to leave the state procurements market. This situation enabled a few larger companies to monopolize the market and overcharge the state for their goods and services. The journalist's publication stimulated consideration of this issue in the Verkhovna Rada where the law was canceled. However, the act which replaced it contains other corruption risks.

Quite often, an investigation supported by a grant served as the catalyst for further investigations on other subjects. A survey conducted among journalists demonstrated that grant beneficiaries did not stop working on investigations when their grant was completed; an additional 68 investigations were conducted beyond those included in their grants. Materials about these investigations were published. Despite the challenges, investigative journalism is gaining popularity. While there are many reasons for this, the key reason is the desire "to find the truth."

PROVIDING LEGAL SUPPORT TO JOURNALISTS AND NON-GOVERNMENTAL ORGANIZATIONS

To carry out an investigation, especially one that may prove notorious, a journalist needs professional legal support and assistance. The periodicals that publish independent investigations very often face "defamation" lawsuits. To avoid or mitigate against these types of problems, the ACTION project provided free legal advice to all interested journalists who were engaged in investigations.



ABOVE: Investigative reporting contest winners

through face-to-face meetings. There were some instances in which our media lawyers defended their clients in court.

Starting from September 2007, nine regional legal centers of the Association of Media Lawyers provided consultations to journalists and non-governmental organizations through the ACTION project. The lawyers received over 600 applications in the course of the project. The beneficiaries were those journalists engaged in investigations as well as NGO representatives involved in public advocacy campaigns. Consultations were offered over the phone, but the majority of requests had to be addressed

Achieved: 63.9% of corruption reports in the media were investigated by official bodies

The lawyers dedicated much time and energy to their task. In some cases, our lawyers evaluated journalist materials given to them and make revisions to over 80% to ensure the article was grounded in fact and that the client was legally protected. Lawyers from regional centers shouldered the majority of the consultation and support work. The lawyers at the coordination center tackled the most complicated cases and focused their work on methodological and organizational activities.

PROMOTING INVESTIGATIVE JOURNALISM WITHIN THE UKRAINIAN MASS MEDIA

Another obstacle faced by journalists engaged in investigations was the reluctance of editors and owners of their mass media outlets to publish the investigative findings. This is an especially pressing issue for regional mass media. As a result, ACTION initiated activities that promoted the value of investigative reporting to editors and owners.

Editors and journalists impose a high degree of self-censorship on themselves which limit the feasibility of investigative journalism. Most do not want to lose the support of advertisers over a sensitive story. Among other factors are economic dependence, dependence on a small number of advertisers, emotion

Achieved: 27.2% of corruption reports in the media were brought to court

displayed by journalists in their stories, and the high risks related to publishing unchecked information. Editors and publishers play a decisive role in what reporting gets put into print or aired. In rural areas, where business and profit factors are heightened by administrative leverage, the problem

becomes more pressing. It is a well-known fact that in a small town where everyone knows everyone else, the unwanted publication or broadcast can result in the loss of major advertisers.

The Ukrainian Association of Periodical Press Publishers (UAPPP) conducted a project to promote investigative journalism among the publishers, owners and editors of the Ukrainian mass media. They facilitated six two-day workshops for publishers, owners and editors. Approximately 115 workshop participants received comprehensive information about investigative journalism. Most importantly, the workshops promoted the use of this genre in the daily production of print and broadcast media. As part of their project, UAPPP arranged three visits to the editorial office of Dzerkalo Tyzhnya (the Weekly Mirror) newspaper, OGO publishing house, and the editorial office of Telecritics to allow workshop participants share the experiences of conducting investigative journalism. During the meetings, which took place in a newsroom, participants discussed the intricacies of conducting investigations. While at the Dzerkalo Tyzhnya editorial office, their Editor-in-Chief stressed that journalists engaged in investigations should express their own stand and not be neutral. But, he added, while the primary story selection criterion should be the information's reliability, the editorial staff should promote its stand as well through editing.

During the course of project implementation, UAPPP tackled several tasks innovatively. One of the most successful ventures was the launch of six online conferences. The discussion topics were quite diverse and dealt with the business, legal and ethical aspects of investigative journalism. The Editor-in-Chief of the Ukrainian Weekly Magazine shared his "recipe" for low-budget investigations. The president of the Ukrainian Association of Media Lawyers provided advice on how *not* to get into trouble during an investigation. In addition, UAPPP created a special web resource for editors involved in investigative journalism, called "The Editorial Portal: Area for Investigative Journalism" (<http://redactor.uapp.org>). This website continues to operate successfully even after project completion. The portal has its own forum open to journalists, editors, and average citizens where they discuss topics of interest and share information and experiences.

More of Media's Investigative Reporting on Corruption that Made a Difference

Uncovering Land Allocation Schemes. Journalist Oleksandra Vesnych (Sumy) inquired into who received land plots allocated by the city council free-of-charge between 2006 and 2009. In a series of articles entitled "Two Hectares of Impudence," she described the stories of ordinary citizens who attempted to receive their land plots of 10,000 square meters, pursuant to the law, but were not able to do so. At the same time, members of the city council and their families had no difficulty registering for land titles. The investigation examined schemes used by the officials and town council members for land privatization. In particular, the case of Deputy Mayor Volodymyr Panchenko drew the attention of the oblast Prosecutor's Office. The prosecutor filed a protest against the allocation of land to the official. During the nearly year-long investigation, the local Department of Land Resources refused to provide any information to the newspaper's editorial office about applicants for land plots and it denied the existence of a land plots database. The most difficult task was to find a connection between the false names used in city council resolutions and specific officials and city council members. However, despite all the difficulties, the perpetrators were exposed. The investigative report was very popular with readers and the newspaper has not encountered any legal repercussions from officials.

School Corruption. The journalistic investigation conducted by Volodymyr Torbych, Antonina Torbych and Roman Martyn, (Rivne) resulted in allegations about extortion for school contributions and presents for teachers faced by parents and students. The journalists questioned several dozen sources – students, teachers, parents, members of parent boards, school principals and teachers. They also surveyed 300 parents of Rivne school children. Based on their findings, professional sociologists were engaged by the city Department of Education to prepare and conduct training for school heads on "character building" and an order was issued that prevents the collection of funds by school staff and their use without proper reporting.

Favoritism and Land Allocation. Journalist Larysa Artemenko uncovered a corrupt scheme by top officials in Kremenchuk to receive certain privileges, namely land plots. The investigation studied the list of capital construction projects financed by the local budget. The list included a gas pipeline project totaling nearly 1 million UAH. The situation became clear. Three hectares were transferred to a private company who in turn transferred the land to the wife of the Vice Mayor on Humanitarian Issues, the Vice Mayor on Construction Affairs, and the Head of the Militia. The provision of gas lines would be financed from the local budget. During the investigation, the journalist encountered resistance on the part of those whose names were mentioned in her materials. She sent her results to the Prosecutor General's Office, which charged the local prosecutor office in Kremenchuk with inquiring into the facts. As a result, the prosecutor filed a protest against the city council's decision for land transfer to the public officials. While the city council refused to rescind their decision, the prosecutor's office took legal action. The court proceedings are currently in progress.

Restitution of Worker Salaries. For over 10 years, former employees of a heating supply company in Kherson oblast have been fighting for their right to receive wages earned, but not paid, at the time of the enterprise's liquidation. The former employees had appealed to the courts and even received a favorable decision by an economic court. The liquidation had not been legal and the court found the raion council body and the head of the liquidation commission guilty of illegal action and abuse of power. However, this decision was not enforced with instatement of the workers' salaries. The former employees appealed to the Supreme Court. Liudmyla Artiushok's investigative reports (December 2008-February 2009)

resulted in the Prosecutor's Office taking up their case. As a result, the rights of the former employees were confirmed and they received the salaries they had earned 10 years earlier.

Misuse of Local Funds. The journalistic investigation of Pavlo Zlenko focused on contracts signed by the Trostianets town council with only one company for construction and repairs of municipal roads over a two year period. That company was located outside of the oblast, whereas local road contractors had virtually no work. The journalist found that this contract served the personal gain of local officials. The Audit and Examination Department of Sumy oblast examined the financial and economic activities of the town council and detected false reporting totaling 24,000 UAH, as well as numerous procedural violations related to the use of budgeted funds. As a result, the Prosecutor's Office of Sumy oblast initiated a criminal investigation into the allegations of abuse and official fraud by the management of the road company and into allegations of negligence by the town mayor and several other representatives of Trostianets Town Council. Pursuant to the resolution of the Audit and Examination Department, the town council paid 164, 000 UAH as penalty sanctions for its financial and procedural violations.

Environmental Corruption. A documentary filmed by journalist Petro Mydryhan in 2008 described the process by which Ukraine's national wealth is being stolen through illegal mining of amber in Rivne region. The journalist exposed the fact that up to three tons of amber was being mined illegally each month and that law enforcement actions were inadequate to protect national resources. The cost of a kilogram of amber fluctuates from US\$50 to \$500, but because of the illegal mining, these funds bypass the state budget. After the documentary was broadcast, law enforcement organized several raids and caught some of the illegal miners. Court hearings were held and the guilty parties paid fines. However, the contributing experts to the documentary maintain that official corruption is involved: local authorities, customs and tax officials turn a blind eye to illegal exports and sales.

COMPETITIONS FOR THE BEST JOURNALISTIC INVESTIGATIONS

Journalists engaged in investigations are rightly called the “watchdogs of democracy.” In the West, their work is often rewarded with various awards and prizes. In order to increase the prestige of investigative journalism in Ukraine, three National Competitions for the Best Journalistic Investigation were held under the scope of the ACTION project. They were organized by the Center for Ukrainian

Achieved: 46.8% of corruption reports in the media led to administrative sanctions



ABOVE: Announcement of winners of Journalist Investigation Competition

Reform Education (CURE). Around 500 investigations were submitted to the first competition held in 2007. The overwhelming majority, 385 works, were received from regional mass media sources. The next competition had over 600 works submitted, 405 produced and published by regional mass media. Interest in the competition and in investigative journalism significantly increased over the course of project implementation.

The competitions were held in two stages--at the regional level and the national level. The judges, represented by leading Ukrainian journalism, media and corruption specialists, selected the best works in five categories, which included: the best journalist investigation in regional and national print media, the best

investigative program for national and regional radio or television, and the best investigative Internet material.

PROMOTING EFFECTIVE LEGAL MECHANISMS FOR ENSURING ACCESS TO PUBLIC INFORMATION AND LOBBYING FOR ADOPTION OF THESE MEASURES

Investigative journalism depends greatly on free access to information. Unfortunately, current legislation in Ukraine does not ensure complete access. Journalists face many difficulties in their work: the illegal refusal by public authorities to provide information labeled as “restricted access publications” (classified), the illegal use of stamps that say “not for publication,” “confidential” or “not for public use,” the neglect of requests for information, reluctance on the part of public authorities to publish information about their activities, and so on. ACTION project implementers sought to improve legislation regulating the access to public information. Though this issue was already regulated by the Law on Information, the Council of Europe reported that it was inefficient in preventing corruption in this sector. Proper access to information sheds light on corrupt actions and results in transparency. Citizens are then able to receive accurate information on the performance of public authorities and hold them accountable for their actions.

Achieved: 66% of journalists received information they requested from authorities; 59% of journalists are satisfied with their access to official information

A coalition of seven non-governmental organizations (including the Center of Political-Legal Reforms, Kharkiv Human Rights Group, the Association of Media Lawyers of Ukraine, the Institute of Media Law, the Mass Media Institute, the Ukrainian Association of Periodical Press Publishers, and the Academy of the Ukrainian Press)

prepared the *draft Law of Ukraine On Access to Public Information* within the framework of the ACTION project. The coalition obtained the support of Andriy Shevchenko, Member of Parliament and member of the Supreme Council Committee for the Freedom of Speech and Information. After his nomination of the draft law, it was registered on July 11, 2008. During the plenary session on June 12, 2009, the Verkhovna Rada adopted it in its first reading – the draft law "On access to public information."

The draft law was reviewed and approved by Article XIX, an international organization specializing on monitoring access to information, as well as by the special representative of the OSCE on mass media freedom. It is expected that the law “On access to public information” will ensure the right to access information by imposing strong sanctions for noncompliance, will decrease noncompliance by local authorities, will increase transparency in central government and local authority activities, and will improve the credibility of authorities.

Currently, the draft law is being reviewed and prepared for its second reading by the Supreme Council of the Ukraine Committee on Freedom of Speech and Information.

5. OVERALL IMPACTS AND SUSTAINABILITY

As demonstrated in this report, ACTION project initiatives, as well as the larger MCC/TCP program of which it is a component, made significant impacts on the incidence of corruption in Ukraine. They also have resulted in significant changes and reforms to Ukrainian anticorruption institutions, laws and procedures, thus providing a stronger foundation for future prevention and enforcement programs.

Overall monitoring of corruption trends -- perceptual and experiential, national and regional, broadly and in specific government agencies or functions – has been greatly advanced. The capacity of local survey groups, as well as civil society advocacy groups, has been enhanced to conduct systematic and targeted polling and watchdog monitoring that yields rigorous comparative data. A comprehensive archive of this corruption data has been established and will continue to serve the Ukrainian government, NGOs, the mass media, and international donors into the future.

From the nationwide household surveys, it was determined that corruption experiences of ordinary citizens are declining gradually, although experience levels are still very high in many areas and lingering suspicions of widespread corruption throughout many government institutions remains high as well. However, when corruption was measured in special sectors that were particular targets of MCC/TCP initiatives, significant reductions in corruption were identified – in the judicial sector, construction and land permitting, and the higher education admissions process.

The ACTION Project effectively mobilized civil society and the mass media. Many NGOs received advanced advocacy training, journalists received training in investigative reporting, and small grants helped to spur targeted activities. Many advocacy campaigns have paid off in substantial reforms. As well, many investigative reports in the media have resulted in official investigations, court cases, administrative sanctions and/or court decisions against corrupt officials.

Particular measurable impacts are presented below.

- Enhanced public awareness about corruption issues is a step in the direction of opposing corrupt behavior and advocating for reforms. Public awareness of corruption data disseminated by the ACTION Project steadily increased over the three years. By extrapolation from the survey results to the population of Ukraine (18 years and older), more than 10.3% of Ukrainians by the third year of the project (equivalent of 3.84 million people) indicated that they were aware of the corruption survey data.
- The ACTION Project trained 586 CSOs in advocacy skills and provided 143 grants to promote public awareness and advocacy campaigns. Over the three years of the project, 114 advocacy campaigns against corruption were conducted. Of these, 65.8% were successful in producing real reforms – they changed laws, regulations or procedures, reformed institutions, and improved delivery of quality public services.
- Investigative reporting on corruption issues resulted in official investigations either by law enforcement or internally within government agencies. 63.9% of reports produced further official investigations.
- The effectiveness of investigative media reports on corruption was further demonstrated by the fact that 27.2% of these reports resulted in a case being brought to court, 10.8% resulted in court sanctions, and 46.8% resulted in administrative sanctions.
- The media can perform effectively in their function as the public's watchdog only if the government provides free and open access to government information. Based on extensive advocacy campaigns implemented by Ukrainian media associations that were supported by the

ACTION Project, 59% of journalists reported satisfaction with the government’s response to their information requests by the end of Year 3 of the program.

Another measure of project success can be found in the financial sustainability of our local partners and grantees – providing them opportunities to continue applying the skills, knowledge and capacity they obtained from the ACTION project. During the course of the project, our staff worked with grantees to encourage them to propose new and extension projects on anticorruption advocacy and monitoring to other USAID implementing partners, international donors or local foundations. The results were impressive. At least 85 ACTION project grantees received additional grant awards to continue their work from other sources by the time ACTION ended. These donors include USAID/UNITER project, the USAID/Rule of Law project, United Nations Development Program, International Renaissance Foundation, Canadian International Development Agency, the Embassy of Finland, the Stefan Batory Foundation, MATRA, and INTERNEWS.

The following table provides the final results of the ACTION project’s outcome indicators.

| Component I. Support for Civil Society Advocacy and Monitoring Efforts | | Life of Program Target | Achieved | Difference |
|---|---|-------------------------------|-----------------|-------------------|
| Result A. Development of data on anticorruption | | | | |
| Result A-1 | Number of surveys, focus groups, report cards and objective indicators providing corruption-related data: | | | |
| | Nationwide household surveys | 3 | 3 | 0 |
| | Sectoral surveys | 9 | 13 | +4 |
| | Focus groups and panels | 14 | 66 | +52 |
| | User surveys | 11 | 11 | 0 |
| | Omnibus track polls | 12 | 17 | +5 |
| | Citizen report cards | 10 | 10 | 0 |
| Result B. Increased public knowledge regarding corruption | | | | |
| Result B-1 | Number of new dissemination/public awareness events conducted: | | | |
| | Events for national surveys | 6 | 52 | +46 |
| | Events for sectoral surveys | 33 | 75 | +42 |
| | Events for report cards | 3 | 23 | +20 |
| | E-mail distribution | 500 | 800 | +300 |
| | Targeted website hits (cumulative) | 6800 | 49757 | +42957 |
| Result B-2 | % of adult population indicating that they are aware about survey results | 10% | 10.3% | +0.3% |
| Result C. Increased number of NGO-initiated anticorruption reforms | | | | |
| Result C-1 | Number of advocacy campaigns conducted by CSOs | 100 | 114 | +14 |
| Result C-2 | % of CSO advocacy activities that lead to reforms <i>(on an averaged rolling basis over the course of the 3 year project)</i> | 30% | 49.4% | +19.4% |
| | % of CSO advocacy activities that lead to reforms <i>(life-of-project):</i> | | | |
| | Total with one or more reforms | | 65.8% | |
| | One reform achieved | | 38.6% | |
| | Two or more reforms achieved | | 27.2% | |

| Component 2. Investigative Journalism and Other Media Anticorruption Efforts | | Life of Program Target | Achieved | Difference |
|---|--|-------------------------------|-----------------|-------------------|
| Result A. Increased exposure of corruption by the media | | | | |
| Result A-1 | Information in the media on corruption topics | 12% | 24.6% | +14.4% |
| Result B. Increased number of investigations due to media exposure | | | | |
| Result B-1 | Number of journalists trained | 605 | 748 | +143 |
| | Men | | 235 | |
| | Women | | 513 | |
| Result B-2 | % of media reports on corruption that were investigated | 30% | 63.9% | +33.9% |
| Result B-3 | % of media reports that were brought to court | 17.1% | 27.2% | +10.1% |
| Result C. Increase in sanctions for corruption as a result of media reports | | | | |
| Result C-1 | % of media reports on corruption that led to court sanctions | 15.5% | 10.8% | -4.7% |
| Result C-2 | % of media reports that led to administrative corrective actions | 15.5% | 46.8% | +31.3% |
| Result D. Improved access to information by journalists | | | | |
| Result D-1 | % of those who indicated they received information that was requested from authorities | 66.7% | 66.0% | -0.7% |
| Result D-2 | % of those who rate information accessibility as satisfactory | 65.9% | 59.0% | -6.9% |

6. LESSONS LEARNED AND RECOMMENDATIONS

Corruption is not a static phenomenon. It is highly agile and inventive at circumventing obstacles put in its way. Only long term and continuous vigilance against corruption can have measurable results at reducing this problem.

Ukrainian civil society and mass media have clearly become substantial players in the anticorruption field. They are increasingly able to target corruption vulnerabilities and eliminate them at the local and regional levels. However, they remain weak at tackling national level issues both in the sense of adequate monitoring and ability to advocate for their proposals. While recent attempts at alleviating this shortcoming have been promising, the judgment is still out.

Lessons learned:

- Two or three years is not enough time to implement an ambitious multidimensional and nationwide civil society anticorruption project such as ACTION. More time is needed to complete and assess most advocacy activities initiated by civil society and media organizations.
- Creating and uniting NGO coalitions and networks around particular priority issues of special concern to their constituents – a model used by the ACTION project - proved to be the one of the most effective ways of mobilizing civil society organizations, strengthening their voice in policy development, generating strong watchdogs of government decision making, and achieving concrete results.
- The project benefited from working with both NGOs and the mass media. This facilitated strong cooperation across these sectors. Typically, these sectors are supported by separate programs and, as a result, NGOs and the media have limited interaction and often lack understanding and appreciation of the other. By supporting both sectors under the same program and uniting them around the same issue sets, we were able to establish a sense of trust, understanding of the other's roles, and long-lasting cooperation.
- Because civil society advocacy and watchdog activities were implemented at both the national and regional levels, important vertical connections from the regional to the national level were established. Moreover, the regional components became increasingly important in achieving advocacy results, because of political instability at the national level.

Recommendation:

To build on ACTION's achievements, the following steps are important for combating corruption in Ukraine:

- Continue general and targeted informational and educational campaigns for the general public as well as for specific target groups. These campaigns should be focused on just a few salient issues, such as the short- and long-term consequences of corruption for the economy, governance, and societal values. Clear and simple messages should be developed that can be easy to understand and the costs of corruption should be translated into valued public services (such as schools, hospitals or roads) that the public can easily grasp. The aim of the campaigns ought to be to create increased societal demand to deal with corruption at a political level.
- Continue to support monitoring of corruption trends on a systematic basis using local organizations.

- Keep up external demand on government for reforms through citizen advocacy and watchdogs, mass media, the international donor community, and diplomatic pressure.
- Encourage continuing operation of the Public Anticorruption Advocacy Networks and focus on particular issues that are national in nature or can be scaled up from the local level.
- Support CSOs in their role as citizen watchdogs.
- Encourage more investigative reporting about corruption in the media and continue to conduct the journalist investigation competitions.
- Emphasize success stories where reforms have been made and have been successful in reducing corruption. This will reduce perceptions of increasing and widespread corruption. Dissemination of success stories should be ramped up. Most people are cynical about corruption, but if they see progress in fighting corruption, it will create a more positive atmosphere of success.
- Promote more coordination among donors to support effective anticorruption initiatives
- Encourage more NGO-government dialogues and participation in joint anticorruption programs.
- Encourage local public authorities to become more transparent and accountable in order to recover public trust.
- Rollout successful initiatives to other regions.