Independent Reporting Mechanism

Ukraine Co-Creation Brief 2025



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Overview

This brief from the OGP's Independent Reporting Mechanism (IRM) supports the cocreation process and design of Ukraine's seventh action plan. It provides an overview of OGP processes in the country and presents recommendations based on collective and country specific IRM findings. The co-creation brief draws from <u>prior IRM reports for Ukraine</u>, the <u>OGP National Handbook</u>, <u>OGP Participation and Co-Creation Standards</u>, and IRM guidance on <u>the minimum requirements</u>. Section 1 offers guidance for OGP processes and co-creation and Section 2 for commitment design. Government and civil society can determine the extent to which this brief is used to shape the next action plan's trajectory and content.

Ukraine's multi-stakeholder forum, the Coordination Council, <u>was actively involved in co-creation of the sixth action plan (2023-2025)</u>. Civil society stakeholders praised the Cabinet of Ministers' efforts to maintain Ukraine's OGP process despite the challenges and shifting priorities due to Russia's ongoing military invasion. There were ample opportunities to participate in developing the sixth action plan, including through online consultations, thematic meetings, written proposals, and feedback on the draft action plan. Moreover, Ukraine met all the OGP Participation and Co-Creation Standards during the co-creation of the sixth action plan. For the seventh action plan, the Cabinet of Ministers and the Coordination Council could consider the following recommendations:

- Develop an outreach strategy that broadens public engagement in the OGP process
- Make the OGP webpage more user friendly, complete, and up to date
- Expand the social media presence of Ukraine's OGP process

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Section I: Action Plan Co-Creation

The following recommendations present opportunities for national reformers to strengthen OGP institutions and processes in the country.

Recommendation 1. Develop an outreach strategy that broadens public engagement in the OGP process

The sixth action plan saw notable improvements in terms of engaging new civil society organizations (CSOs) in the Coordination Committee. The Coordination Committee's composition covered broader sectors of society and was highly active during the cocreation process. However, stakeholders also noted that the same CSOs tend to be the most active in the OGP process. For the next action plan, the Cabinet of Ministers and the Coordination Council could develop an outreach strategy to attract more CSOs to join the process. This could involve targeted outreach to regional organizations, as well as organizations focusing on military and veteran issues, internally displaced people, and people with disabilities (both among civilians and in the armed forces). The Cabinet of Ministers and the Coordination Committee could also use mass media, organize targeted meetings with different groups, and provide easy-to-understand information on how to get involved in the OGP process. The "U-Change" game, which presents the principles, approaches, and processes of OGP to stakeholders, could help popularize OGP among stakeholder groups that may be unfamiliar with it.

Recommendation 2. Make the OGP webpage more user friendly, complete, and up to date

Civil society stakeholders have mentioned that Ukraine's OGP webpage could be more user friendly and dynamic. For the next action plan, the Cabinet of Ministers could make the website easier to navigate and add options for offering feedback on information directly. This website could contain a repository of documentation related to all of Ukraine's past and current commitments. This could improve public awareness and engagement in the OGP process and provide a sustainable platform for collecting and storing relevant information. One possibility could be to make the webpage into a dashboard, where updates on commitments are regularly posted with links for more detailed information. New Zealand's OGP repository is a good example, particularly regarding documenting the co-creation process and the implementation of commitments.

Recommendation 3. Expand the social media presence of Ukraine's OGP process

Ukraine's OGP process also has an active <u>Facebook page</u>, where all news is shared. Even though Facebook is the main social media platform for CSOs in Ukraine, young people are also using other platforms like Instagram and TikTok. Moving forward, the Cabinet of



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Ministers and CSOs could create social media pages for Ukraine's OGP process to reach more segments of society.



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Section II: Action Plan Design

The following recommendations offer policy areas for national actors to consider in the next action plan. They may represent opportunities for new commitments to address issues of national importance or to advance existing reforms.

Area 1. Asset declarations disclosure and anti-corruption monitoring

Anti-corruption reforms remain key to Ukraine's EU accession process. The European Commission's 2024 report for Ukraine <u>noted</u> continued progress in strengthening its anti-corruption framework and the gradual building of a track record in investigating, prosecuting, and adjudicating high-level corruption cases.

In the next action plan, stakeholders could pursue ambitious commitments to support the country's anti-corruption agenda, including around asset declarations. Following the full reinstatement of mandatory asset declarations in October 2023 (completed by the National Agency on Corruption Prevention -NACP), the Asset Recovery and Management Agency (ARMA) could pursue commitments around the transparent management of assets seized from corruption and other crimes, in line with the EU *acquis*. Ukraine could also consider extending the obligation to submit asset declarations to all advisors and assistants of political officials, and all top executives of state-owned enterprises (SOEs), in line with Benchmark 2.3.1 in the OECD's 2024 monitoring of Ukraine's progress under the Istanbul Anticorruption Action Plan.

Additionally, the NACP <u>submitted an Open Gov Challenge</u> to introduce a <u>tool</u> for monitoring the implementation of Ukraine's Anti-Corruption Program for 2023-2025. Stakeholders could consider using the OGP action plan to develop and monitor Ukraine's next Anti-Corruption Strategy and Program.

Area 2. Transparent, inclusive, and participatory public investment

Ukraine's sixth action plan includes a <u>commitment</u> to use the Digital Restoration Ecosystem for Accountable Management (DREAM) for managing and monitoring Ukraine's recovery and reconstruction projects. DREAM is also one of Ukraine's Open Gov Challenge submissions. In the next action plan, stakeholders could continue scaling up the DREAM platform beyond reconstruction projects, to serves as Ukraine's main public investment management ecosystem. This could support the implementation of reforms from the <u>Ukraine Facility Plan</u> around public financial management, such as developing a transparent system of public revenue and expenditure management, implementing public debt management mechanisms, and auditing public spending in accordance with international standards.



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Area 3. Lobbying transparency

In March 2024, Ukraine <u>enacted</u> the Law on Lobbying, its first legal framework for regulating lobbying. The law provides for the establishment of a publicly accessible Transparency Register, to be administered by the National Agency on Corruption Prevention (NACP). The NACP has also <u>submitted an Open Gov Challenge</u> to implement the law, including the creation and launch of the Transparency Register. The NACP could pursue the Transparency Register in the next OGP action plan, using the experiences of EU member states like <u>Finland</u>, <u>France</u>, <u>Germany</u>, and <u>Ireland</u> in creating similar registers. The NACP could ensure that lobbying information on the register meets <u>international best practices on transparency</u>, including make data searchable, downloadable, and available in machine-readable format. The NACP could also work with CSOs to monitor irregularities in the register and develop guidance on a legislative footprint for a harmonized approach in reporting lobbying activities.

Area 4. Open Parliament

The European Commission's 2024 report for Ukraine <u>mentions</u> that the Parliament (Verkhovna Rada) continued to work in a way that was not wholly transparent (largely as a result of martial law) and monitoring and implementation of legislation requires further strengthening. The Verkhovna Rada <u>adopted amendments to Bill No. 11321</u> in January 2025 and re-opened parliamentary committee meetings to the media. The Parliamentary Committee on Freedom of Speech has expressed interest in co-creating an Open Parliament action plan within the OGP framework.

The Open Parliament action plan could consider the following stakeholder priorities:

- Reinstating full access for journalists to the Verkhovna Rada, including access to the parliamentary committees and the press balcony;
- Adopting the Code of Conduct by Members of Parliament (MPs), in line with Recommendation vii from the Group of States Against Corruption (GRECO).
- Modernizing the "Rada-3" voting system, which has been used in the Parliament beyond its warranty period;
- Reaccreditation of journalists previously accredited by the Verkhovna Rada;
- Reinstatement of live broadcasts of parliamentary sessions on the official resources of the Verkhovna Rada, in real time or with minimal delay (following the example of the Government Question Hour broadcasts);
- Providing mandatory broadcast of sessions of all 23 parliamentary committees, except for those held in private due to security or other sensitive matters;
- Reinstating broadcasts of the Conciliation Council sessions and publishing transcripts of these proceedings on the official website of the Verkhovna Rada;
- Publishing information on inter-factional parliamentary groups (MFOs), including their members and leadership, on the official website of the Verkhovna Rada;
- Recording and publishing MPs' attendance at committee sessions on the official website of the Verkhovna Rada;
- Publishing MPs' official appeals in their individual profiles on the official website of the Verkhovna Rada, following the format used for MPs' inquiries;



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- Publishing information on MPs' official foreign missions on the official website of the Verkhovna Rada;
- Archiving information on MPs' assistants in their profiles on the official website of the Verkhovna Rada.

The transparency measures could be neglected for defense committees or if the discussions concern the security of the country and it might be dangerous to reveal them publicly.

Area 5. Public consultations in national and local level decisionmaking

In June 2024, Ukraine <u>adopted</u> the Law on Public Consultations, which requires extensive and mandatory consultations by state and local authorities in decision-making before adopting legislation. While the Law will not enter into force until 12 months after the end of martial law, stakeholders could use the next OGP action plan to begin implementing certain provisions. For example, the action plan could include commitments on conducting electronic consultations on draft laws submitted by state and local authorities.

In January 2025, the President of Ukraine signed <u>Law No. 3703</u> on democracy at the level of local self-government. In the next OGP action plan, stakeholders could pursue activities that implement the law, with an aim of improving public participation at the local level. This could include:

- Developing and approving charters of territorial communities;
- Integrating internally displaced peoples (IDPs) into the life of the communities where they live;
- Detailing the procedure for holding general meetings, public hearings, public evaluation, and submitting local initiatives;
- Creating mechanisms to involve young people in issues of local importance;
- Providing residents the opportunity to participate in the planning and distribution of local budget funds;
- Determining the reporting procedure for community heads and local council members.

Area 6. Judicial transparency

The Ukraine Facility Plan <u>provides</u> measures to enhance the accountability, integrity, and professionalism of the judiciary for the period 2024-2027. In the next action plan, Ukraine could work toward making the judiciary more transparent, particularly the adoption of transparent criteria for the qualification assessment of judges and the selection of new judges. This would support the implementation of benchmarks 6.1.4 and 6.1.5 in the OECD's <u>Istanbul Anti-Corruption Action Plan for Ukraine</u> as well as <u>Recommendation xvii from GRECO</u>. In addition, both GRECO (Recommendation xxvi) and the European Commission (Chapter 2.2.1) have recommended that Ukraine introduce a system of



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random allocation of cases among prosecutors based on strict and objective criteria, with proper safeguards against manipulation and an effective appeal mechanism against decisions disqualifying a prosecutor.

The brief was reviewed by IRM senior staff for consistency, accuracy, and with a view to maximize the context-relevance and actionability of the recommendations. Where appropriate, external reviewers or members of the IRM International Experts Panel (IEP) review briefs.

