

COURSE

**LEGAL TOOLS
FOR PREVENTING
CORRUPTION**



**Contact:**

Mykola Khavroniuk
kunorvahk@gmail.com

Group mailing list: acicp_2019@googlegroups.com

Time of the lesson: Thursday from 18:00 until 20:50 .

Room: 4-100

Course description:

“Legal Tools for Preventing Corruption” is a required course of the certificate program “Anti-Corruption Interdisciplinary Studies”. Successful completion of the program is rewarded with a credit.

Aim of the course – to give students the necessary knowledge concerning the phenomenon of corruption and how to prevent it in public administration.

Task of the course – to form an understanding among students of the dangers of the phenomenon of corruption in general and its individual manifestations for society, the state and citizens; to provide students with knowledge about the causes and consequences of corruption and anti-corruption measures implemented in Ukraine and the world; to form the ability to apply the measures of preventing corruption provided by law

As an outcome of the study course the student should:

- 👁️ have: 1) understanding of the dangers of corruption for the state and society; 2) intolerance to corruption;
- 👁️ know: 1) the concept of corruption and its features; 2) legislation on prevention of corruption; 3) basic principles for the prevention of corruption; 4) the main measures to prevent corruption; 5) subjects of legal relations in the field of prevention of corruption; 6) the definition of corruption offences and types of liability; 7) measures provided by law for the elimination of the consequences of corruption offences.
- 👁️ do: 1) choose and apply the provisions of the law on the principles of prevention of corruption offences; 2) correctly interpret, in accordance with its exact content, the law on the principles of the prevention of corruption, and other laws in this field; 3) identify and analyze trends in case law in court review and its decisions on corruption cases and corruption-related offenses, evaluate them from the point of view of compliance with the law and international obligations of Ukraine; 4) critically evaluate new norms of legislation on the principles of prevention of corruption; 5) apply alternative ways of solving legal conflict arising between the corrupt offender, on the one hand and the state, society and citizens, on the other; 6) choose and apply measures for the elimination of corruption offenses.

Course “The legal basis and institutional mechanisms of preventing corruption” has connections with such disciplines as: general theory of law, sociology of law, comparative law, constitutional law, criminal law, criminal procedural law, criminology, administrative law, administrative process, public international law, Council of Europe law, European Union law, public administration.

SCHEDULE

Nº	Topic	Date	Time of the lesson	Type of the lesson	Room	Lecturer
1	General characteristics of the system of preventing corruption. Political and legal principles of preventing corruption. The subjects implementing measures to prevent corruption	3.10.2019 (Thursday)	18:00-19:20 19:30-20:50	Lecture-workshop	4-100	Mykola Khavroniuk
2	The definition of corruption and its features. Forms and spheres of corruption. Subject for liability for corruption.	10.10.2019 (Thursday)	18:00-19:20 19:30-20:50	Lecture-workshop	4-100	Mykola Khavroniuk
3	Exposing and preventing corruption in public procurement	17.10.2019 (Thursday)	18:00-19:20 19:30-20:50	Practice	4-100	Olena Shcherban
4	Recovery of assets derived from corruption offences	25.10.2019 (Friday)	18:00-19:20 19:30-20:50	Lecture-workshop Case-study	4-100	Tetiana Shevchuk
5	Rules of anti-corruption behavior: anti-corruption bans and restrictions; regulation of integrity; transparency and access to information	31.10.2019 (Thursday)	18:00-19:20 19:30-20:50	Practice	4-100	Mykola Khavroniuk
6	Measures required for compliance with the rules of anti-corruption behavior	7.11.2019 (Thursday)	18:00-19:20 19:30-20:50	Lecture-workshop	4-100	Mykola Khavroniuk

7	Criminal liability and punishment for corruption crimes. Guarantees of inevitability of punishment. Corruption crimes: classification and delimitation	14.11.2019 (Thursday)	18:00-19:20 19:30-20:50	Lecture-workshop	4-100	Mykola Khavroniuk
8	Liability and penalties for administrative corruption-related offenses	21.11.2019 (Thursday)	18:00-19:20 19:30-20:50	Lecture-workshop	4-100	Mykola Khavroniuk
9	Formation of a negative attitude to corruption («Zero tolerance»). Participation of the public and businesses in preventing corruption. Additional elements of the system of preventing corruption	28.11.2019 (четвер)	18:00-19:20 19:30-20:50	Lecture-workshop	4-100	Mykola Khavroniuk

All written tasks must be sent to kunorvahk@gmail.com, as well as copied to: acrec.kma@gmail.com.

Course website

Program, announcements and study materials will be available on the ACREC website: <https://acrec.org.ua/>

COURSE RULES AND REQUIREMENTS:

DEADLINES FOR WRITTEN TASKS:

- 👁 10 November 2019 - Comments and Proposals for the project of the Anti-Corruption Strategy of Ukraine for 2019-2022 and the State programs for its implementation (one section of the project strategies is at the student's discretion) : <http://www.pravo.org.ua/ua/news/20873832-nova-antikoruptyynastrategiya-dlya-ukrayini-yakoyu-vona-mae-butipoglyad-ekspertiv> (but have a look at the updated website)
- 👁 15 November 2019 - an essay on one of these topics:
 - 1) "Causes of corruption in Ukraine in 2000–2019: rating from major to minor, justification";
 - 2) Proposals for the project of the Decree of the President of Ukraine "On priority measures for overcoming corruption in the economy, financial and social spheres";
- 👁 till 20 November 2019 - Conclusion of public anti-corruption expertise (according to the CPR methodology – http://pravo.org.ua/img/zstored/files/1_%20%D0%9C%D0%B5%D1%82%D0%BE%D0%B4%D0%BE%D0%BB%D0%BE%D0%B3%D1%96%D1%8F%20-%20%D0%9C_%D0%A5%D0%B0%D0%B2%D1%80%D0%BE%D0%BD%D1%8E%D0%BA%2B.pdf)) for one of the draft laws registered with the Verkhovna Rada of Ukraine over the last week (volume of the bill - 2-3 pages). Examples: http://pravo.org.ua/ua/news/combating_corruption/anti_corruption_expertise

The program includes two tests. The dates of the tests will be announced at a later date

For successful completion of the written tasks, a high standard is expected

- 👁 using an obvious creative approach and featuring a non-standard perspective on legal facts;
- 👁 using judicial and other practice;
- 👁 using foreign literature and sources which offers a comparative approach to the assessment of Ukrainian law and its application;
- 👁 The mark is not directly dependent on the quantity of work. Thoughts should be expressed as theses. The volume of work should usually be at least 2 and no more than 4 pages (title page not needed, sheet A-4, type Times New Roman or Arial, font 12, spacing 1.5). At the same time, the mark may be lowered for the student's inability to express his or her own opinion briefly. Illustrations (diagrams, graphs, tables, drawings etc.) can be included within reason.

Lectures, workshops and case-study:

Students must actively participate in discussions and be ready to do tasks during lessons. If there are some changes to course requirements, you will be informed via the group mailing list and oral announcement. Students are responsible to know about these changes even if they are absent from lessons.

Group mailing list:

You will be informed by mailing list of curators via ac_masters2019@googlegroups.com. You are responsible for keeping aware of it.

Rules of email communication:

Please, send emails only for: 1) an appointment for additional individual consultations; 2) a notice of absence from the lesson and reasons for it; 3) a request for sending announcements again, changes to the program, schedule or additional course materials. Questions about course materials, lessons or credit procedure should be asked after the lessons or during individual consultation.

Getting extra points:

Extra points are not allowed in this course except the ones that are in the course.

Rules during the lesson:

Please, turn off your phones during the lectures and don't be late to the lessons. Discussions are to be lively and interesting, but express your comments politely. Please, respect others' point of view and express your disagreement with the arguments of others in a polite form.

Ethical rules for writing tasks:

All students must work on projects individually. Group work can only be conducted during the joint project. Students are required to make references in their work and cite all sources and publications. Research without references is considered to be plagiarism. Plagiarism is unacceptable and will lead to the loss of the right to receive credits for the course.

While preparing written tasks, students should be guided by the Academic Integrity Regulations of NaUKMA, approved by the President of NaUKMA dated March 7, 2018 №112.

Grade for the course:

ECTS Grade	Scores (Points)	Signification
A	91-100	Excellent
B	81-90	Very Good
C	71-80	Good
D	66-70	Satisfactory
E	60-65	Sufficient
F	30-59	Insufficient
F	0-29	Failed

Parts of the final mark for the course

Mark consists of two parts

Block 1 of the course, 70% (max. 70 points)

Block 2 of the course, 30%
(max. 30 points)

Preparation of Anti-corruption strategy		Essay		Preparation of anti-corruption program		Tests		Final test
20	A	20	A	20	A	10	A	Max. 30 points
16	B	16	B	16	B	8	B	
12	C	12	C	12	C	6	C	
8	D	8	D	8	D	4	D	
4	E	4	E	4	E	2	E	

PLAN OF THE COURSE

Legal Tools for Preventing Corruption

TOPIC 1.

GENERAL CHARACTERISTICS OF THE SYSTEM OF PREVENTING CORRUPTION. POLITICAL AND LEGAL PRINCIPLES OF PREVENTING CORRUPTION. THE SUBJECTS IMPLEMENTING MEASURES TO PREVENT CORRUPTION

Agenda

- 🕒 System of corruption prevention: a general description of its elements
- 🕒 Political will in the fight against corruption
- 🕒 International treaties, international standards and international cooperation in fighting corruption. International experience of corruption prevention
- 🕒 National legislation in the field of prevention corruption and its interpretation
- 🕒 Anti-corruption policy
- 🕒 Basis and principles for preventing corruption
- 🕒 The system of implementing measures to prevent corruption. Differentiation of functions and powers
- 🕒 The role of the court in preventing corruption

Brief description:

Creating a system of anti-corruption subjects. Coordination of their activities.

Public participation in the prevention of corruption.

Legal protection of whistleblowers (informants). Manifestations of political will and proof of its authenticity / falsehood. Historical questions over the past 25 years. Corruption prevention as the prevention of corruption offenses and damage caused by them. The difference between the terms "prevention", "counteraction" and "fight".

 **Lecturer:**
Mykola Khavroniuk

Materials

- 👁️ Альтернативний звіт з оцінки ефективності впровадження державної антикорупційної політики. О. Калітенко, Д. Калмиков, І. Коліушко, О. Лєменов, Б. Малишев, А. Марчук, Р. Сівєрс, В. Тимошук, М. Хавронюк; 2019р., 366 стор. https://www.irf.ua/novyny/alternativniy_zvit_z_otsinki_efektivnosti_vprovadzhennya_derzhavnoi_antikoruptsiynoi_politiki_povniy_tekst_ta_infografiki/
- 👁️ Мазярчук В., Федько І. Вплив корупції на економічне зростання // Офіс з фінансового та економічного аналізу у Верховній Раді України (ОФЕА), 2017.
- 👁️ Реформи в сфері боротьби с корупцией в странах Восточной Европы и Центральной Азии. Достижения и проблемы, 2013–2015 гг. // ОЕСР, 2016.
- 👁️ Спеціалізовані інституції з боротьби проти корупції: огляд моделей. – Організація економічного співробітництва і розвитку. Мережа боротьби проти корупції для країн Східної Європи і Центральної Азії. – ОЕСР, 2007 р.
- 👁️ Державна антикорупційна політика і запобігання та протидія корупції на публічній службі в органах державної влади і органах місцевого самоврядування: монографія / за ред. проф. Ю.В. Ковбасюка і проф. В.Л. Федоренка. – К.: Вид-во Ліра-К, НАДУ, 2016. – 524 с.
- 👁️ Андрушко П.П. Реформа українського антикорупційного законодавства у світлі міжнародно-правових зобов'язань України. – К.: Атіка, 2012. – 332 с.
- 👁️ Бакай М.І. Імплементация положень «антикорупційних» конвенцій у вітчизняне кримінальне законодавство: Автореф. дис. ... канд. юрид. наук. – К., 2013. – 19 с.

TOPIC 2.

THE DEFINITION OF CORRUPTION AND ITS FEATURES. FORMS AND SPHERES OF CORRUPTION. SUBJECTS OF LIABILITY FOR CORRUPTION

Agenda

- ▶ The main causes of corruption. Damage by corruption
- ▶ The definition of corruption and its features
- ▶ Forms, types and spheres of corruption. Optimal level of corruption.
- ▶ The definition of a corruption offense.
- ▶ The definition of corruption-related offenses.
- ▶ Subjects of liability for corruption offences and corruption-related offenses. Subjects of liability for corruption crimes.
- ▶ Officials as subjects of corruption offenses
- ▶ «Family members» and «close people» as subjects of responsibility: definition and legal meaning.

Brief description:

Improper advantage as an object, aim or mean of corruption offenses and its difference from bribes and stolen property. Three forms of corruption. Delimiting corruption from other types of illegal possession of someone else's property. Delimiting corruption offense from related offenses. Declaration and its subjects.

 **Lecturer:**
Mykola Khavroniuk

Materials

- 👁 Корупційні схеми: їх кримінально-правова кваліфікація і досудове розслідування / За ред. М.І. Хавронюка.- К. : Москаленко О. М., 2019. – 464 с. http://www.pravo.org.ua/img/books/files/1554194515schemsofcorruption_web.pdf
- 👁 Науково-практичний коментар до Закону України «Про запобігання корупції» / Наук. ред. Хавронюк М.І. – К.: Ваіте, 2018. – 472 с.
- 👁 Запобігання корупції: методичні рекомендації для місцевих активістів / [Д. О. Калмиков, Д. В. Сінченко, О. О. Сорока, М. І. Хавронюк, Г. Л. Шведова]; за заг. ред. М. І. Хавронюка. – К. : ФОП Москаленко О.М., 2017. – 242 с.
- 👁 Хутов К. М. Лоббирование, коррупция, монополизм: исследование криминогенного взаимодействия (http://sartraccs.ru/i.php?oper=read_file&filename=Explore/hutov-1.htm; http://sartraccs.ru/i.php?oper=read_file&filename=Explore/Hutov.htm).

TOPIC 3.

RULES OF ANTI-CORRUPTION BEHAVIOR: ANTI-CORRUPTION BANS AND RESTRICTIONS; REGULATION OF INTEGRITY; TRANSPARENCY AND ACCESS TO INFORMATION

Agenda

Part 1. General anti-corruption rules:

- ▶ Rules for the prohibition (restriction) of the use of authority and office
- ▶ Rules on the prohibition (restriction) of receiving gifts
- ▶ Rules on the prohibition (restriction) of incompatibility of offices
- ▶ Rules on the prohibition (restriction) of certain activities after the end of functions of state or local government
- ▶ Rules for prohibition (restriction) in common work of close relatives
- ▶ Rules for the prohibition of receiving benefits, services and property
- ▶ Rules for the prevention and resolution of conflicts of interest
- ▶ Rules of ethical behavior
- ▶ Rules for declaring and opening foreign currency accounts.

Part 2. Anti-corruption rules for different areas:

- ▶ Rules for lobbying.
- ▶ Rules for public procurement.
- ▶ Rules for the sale of land, holding auctions for state-owned property, etc.
- ▶ Special anti-corruption rules for legal entities
- ▶ Rules on free access to property information via the Internet
- ▶ Transparency and accountability of the rules of financing for political parties and election campaigns
- ▶ Rules for exposure and access to information on the activities of the Verkhovna Rada of Ukraine, its committees and MPs of Ukraine.
- ▶ Rules on the transparency of information on the use (expenditure) of public funds.
- ▶ Rules for the implementation of “open data” standards
- ▶ Anti-corruption rules in the public service

- ▶ Anti-corruption rules in the field of justice and of internal affairs
- ▶ Anti-corruption rules in the public and communal sectors of the economy
- ▶ Anti-corruption rules in the sphere of state regulation of the economy and private sector
- ▶ Anti-corruption rules in the sphere of defense and security
- ▶ Anti-corruption rules in the field of land relations, real estate, urban planning, energy, use of subsoil
- ▶ Anti-corruption rules in the social sphere, spheres of health, education, science and culture
- ▶ Other anti-corruption rules

Brief description:

Free Internet access policies regarding information ownership. Spread of the definition of “public figure” in the laws on the fight against the legalization of criminal proceeds by national public servants. Opportunities to reduce the impact of private capital on policy.

 **Lecturer:**
Mykola Khavroniuk

Materials

- ▶ Добропорядочность бизнеса в Восточной Европе и Центральной Азии // ОЕСР, 2016.
- ▶ Доступ до публічної інформації: посібник із застосування «трискладового тесту» / Роман Головенко, Дмитро Котляр, Дар'я Слизьконіс; за заг. ред. Д. М. Котляра. – К.: ЦПСА, 2014. – 152 с.
- ▶ Національна система доброчесності: Україна-2015. – Transparency International Україна, 2015.
- ▶ Правові позиції Уповноваженого Верховної Ради України з прав людини та судова практика щодо реалізації права на доступ до публічної інформації. – К.: К.І.С., 2015.
- ▶ Четвертий раунд оцінювання. Запобігання корупції серед народних депутатів, прокурів та суддів. Звіт за результатами оцінки. Україна. Ухвалено на 76-пленарному засіданні GRECO (Страсбург, 19–23 червня 2017 р.). – 73 с.
- ▶ Як оскаржити порушення права на доступ до публічної інформації? / Практичний посібник // Центр демократії та верховенства права. – К., 2016.

TOPIC 4.

MEASURES REQUIRED FOR COMPLIANCE WITH RULES FOR ANTI-CORRUPTION BEHAVIOUR

Agenda

- ▶ Control and verification of declarations. Other activities of financial control.
- ▶ Monitoring the declarants' lifestyle.
- ▶ Background check of candidates for certain positions
- ▶ Integrity controls
- ▶ Anti-corruption expertise of applicable laws and draft laws: definitions, aim and types
- ▶ Anti-corruption programs and the monitoring of their implementation
- ▶ Special rules for the integrity of judges, prosecutors, and law enforcement officers.

Brief description:

Accounting and publication of declarations - art. 47 of the Law «On Corruption Prevention». Monitoring procedure and its approval by the NACP. Corruption factors and ways to find them. Conclusion of anti-corruption expertise.

Expert recommendations for eliminating corruption factors. Information support for anti-corruption expertise.

 **Lecturer:**
Mykola Khavroniuk

Materials

- 👁️ Контроль фінансів політичних партій від А до Я. Досвід Латвії. – Рига – Київ, Transparency International Ukraine, 2016 р.
- 👁️ Криммер Р., Львова О., Селянко Ю. Потенціал застосування новітніх інформаційних технологій у посиленні антикорупційних журналістських розслідувань в Україні. – К., 2015.
- 👁️ Хавронюк М. Методологія проведення громадської антикорупційної експертизи (2016) // <http://pravo.org.ua/ua/news/5226-metodologiya-provedennya-gromadskoyi-antikoruptysiynoyi-ekspertizi>
- 👁️ Бугайчук К.Л., Беспалова О.І. Запобігання конфлікту інтересів в діяльності осіб уповноважених на виконання функцій держави та місцевого самоврядування: наук.-метод. рек. – Х.: Харк. нац. ун-т. внутр. справ, 2016. – 41 с.
- 👁️ Рівчаченко С.В. Запобігання та врегулювання конфлікту інтересів як спосіб протидії корупції: дис. канд. юрид. наук: 12.00.07. – Запоріжжя, 2017. – 195 с.

TOPIC 5.

EXPOSING AND PREVENTING CORRUPTION DURING PUBLIC PROCUREMENT

Agenda

- ▶ Public procurement as a sector with high corruption risks. Organization of procurement: opportunities and challenges. The role of all concerned parties
- ▶ Ways to fight corruption in the field of public procurement and its practical implementation.

Brief description:

During the lesson, students will gain knowledge and practical skills concerning the organization of procurement, alongside difficulties, challenges and ways to overcome them. Through real examples of procurement, students will get an opportunity to participate in the organization of the procurement process and gain practical skills. Through examining case-studies, and other well-known corruption tenders, they will be enlightened on how corruption occurs in procurement and how to deal with it.

 **Lecturer:**
Mykola Khavroniuk

Materials

- 👁️ Закон України “Про публічні закупівлі” [Електронний ресурс]. – Режим доступу: <http://zakon.rada.gov.ua/laws/show/922-19>
- 👁️ Стратегія реформування системи публічних закупівель [Електронний ресурс]. – Режим доступу: <http://zakon5.rada.gov.ua/laws/show/175-2016-%D1%80>
- 👁️ Директиви ЄС з питань закупівель [Електронний ресурс]. – Режим доступу: http://eupublicprocurement.org.ua/wp-content/uploads/2015/02/EU-PP-Directives-Compendium_UKR.pdf
- 👁️ Настанови з питань закупівель [Електронний ресурс]. – Режим доступу: http://eupublicprocurement.org.ua/wp-content/uploads/2017/10/Guidelines_UKR_interactive_pages.pdf
- 👁️ Звіт Центру протидії корупції з питань закупівель [Електронний ресурс]. – Режим доступу: <https://antac.org.ua/publications/roza-kontrolem-yak-vidmyvayut-miljony-na-shemah-pid-chas-tenderiv-ta-chomu-ne-pratsyuje-derzhadytysluzhba/>
- 👁️ Звіт Центру протидії корупції з питань закупівель [Електронний ресурс]. – Режим доступу: <https://antac.org.ua/analytics/publichni-zakupivli-2015-2016-chas-transformatsij-zvit/>

TOPIC 6.

CRIMINAL LIABILITY AND PUNISHMENT FOR CORRUPTION CRIMES. GUARANTEES OF THEIR INEVITABILITY. CORRUPTION CRIMES: CLASSIFICATION AND DELIMITATION

Agenda

- 🕒 Features of application of the provisions of the General part of the Criminal Code of Ukraine on corruption crimes
- 🕒 Application of incentives and quasi-measures of criminal liability in the case of corruption crimes
- 🕒 Sanctions for corruption crimes
- 🕒 Criminal enforcement of legal entities.
- 🕒 Separate issues of proceedings in corruption criminal cases
- 🕒 Corruption crimes
- 🕒 Quasi-corruption crimes
- 🕒 Other corruption crimes
- 🕒 Crimes related to corruption

Brief description:

Correspondence of sanctions for corruption offenses to the principle of proportionality. Special confiscation. Problems of compliance of corruption offenses with the principle of legal certainty.

Lecturer:

Mykola Khavroniuk

Materials

- 👁️ Корупційні схеми: їх кримінально-правова кваліфікація і досудове розслідування / За ред. М.І. Хавронюка. – К. : Москаленко О. М., 2019. – 464 с. http://www.pravo.org.ua/img/books/files/1554194515schemsofcorruption_web.pdf
- 👁️ Злочини проти власності: науково-практичний коментар Кримінального кодексу України і методика розслідування / За ред. М. І. Хавронюка. – К. : ВД «Дакор», 2017. – 448 с.
- 👁️ Настільна книга детектива, прокурора, судді: коментар антикорупційного законодавства / За ред. М. І. Хавронюка. – 2-ге вид., переробл. і допов. – К. : ВД «Дакор», 2017. – 496 с.
- 👁️ Протидія корупційній злочинності в Україні: навч. посібник / [Дмитрик Ю.І., Йосифович Д.І., Красницький І.В., Мельник С.І., Пряхін Є.В., Якимова С.В.]; за заг. ред. І. В. Красницького. – Львів : Львівський держ. ун-т внутрішніх справ, 2010. – 308 с.
- 👁️ Судова практика в справах про злочини в сфері службової діяльності та професійної діяльності, пов'язаної з наданням публічних послуг: окремі тенденції, проблеми та перспективи вдосконалення / За ред. К.П. Задой. – К., 2014. – 136 с.
- 👁️ Актуальні проблеми реалізації положень Закону України «Про запобігання корупції»: тези доповідей регіонального науково-практичного круглого столу, м. Запоріжжя, 1–2 грудня 2017 року / За заг. ред. Т.О. Коломоець. – Запоріжжя: ЗНУ, 2017. – 216 с.
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TOPIC 7.

RECOVERY OF ASSETS DERIVED FROM CORRUPTION OFFENCES

Agenda

- 🕒 Recovery of corruption assets: strategy and tools.
- 🕒 Features of criminal forfeiture of assets derived from corruption offenses in Ukraine.
- 🕒 Legal and procedural aspects of recovery of assets derived from corruption offenses abroad

Brief description:

During the lesson there will be a discussion of issues in the sphere of recovery of assets derived from corruption offenses; advantages and disadvantages of implementing each tool designed for the recovery of assets derived from corruption offenses in Ukraine. Examples of practical cases and the legislation of other countries will be analyzed.

 **Lecturer:**
Tetiana Shevchuk

Materials

- 👁️ Davis, E. (2013) What is asset recovery? <http://whoswholegal.com/news/features/article/30683/what-asset-recovery>
- 👁️ Brun, J.-P., Gray L., Scott C., Stephenson K. (2011) Asset Recovery Handbook: A Guide for Practitioners <https://star.worldbank.org/publication/asset-recovery-handbook>
- 👁️ Zinkernagel G., Monteith C., Pereira P., (2013) Emerging Trends in Asset Recovery <https://unov.tind.io/record/42146?ln=en>

TOPIC 8.

LIABILITY AND PENALTIES FOR ADMINISTRATIVE CORRUPTION-RELATED OFFENSES

Agenda

- ▶ Separate issues of General and Procedural Parts of the Code of Administrative Offenses in the context of liability for corruption offenses.
- ▶ Violation of incompatibility of offices (art. 172-4)
- ▶ Violation of statutory restrictions on receiving gifts (donations) (art. 172-5)
- ▶ Violation of financial control requirements (art. 172-6)
- ▶ Violation of requirements of conflicts of interest (art. 172-7).
- ▶ Illegal use of information that has become known to the person connected with the execution of an office (art. 172-8).
- ▶ Non-implementation of anti-corruption measures (art. 172-9).
- ▶ Other administrative offenses related to corruption

Brief description:

Separate questions of General and Procedural parts of the Code of Ukraine on administrative offense in the context of liability for corruption-related offenses.
Non-implementation of anti-corruption measures.
Other administrative offenses related to corruption

 **Lecturer:**
Mykola Khavroniuk

Materials

- 👁️ МОНІТОРИНГОВИЙ ЗВІТ щодо ефективності реалізації Національним агентством з питань запобігання корупції у 2016-2018 роках адміністративно-юрисдикційної функції в частині протидії адміністративним правопорушенням, які пов'язані з корупцією (станом на 1 червня 2018 року) http://pravo.org.ua/img/books/files/1531464560dudorov_nazk_report.pdf
- 👁️ Адміністративна відповідальність за корупційні правопорушення: наук.-практ. посіб. / О.Л. Копиленко, З.А. Загинеї, О.Н. Ярмиш та ін.; за заг. ред. Ю.М. Дьоміна. – К.: НАПУ, 2014. – 304 с.
- 👁️ Берднікова К.В. Адміністративна відповідальність за порушення встановлених заборон та обмежень у сфері запобігання корупції в Україні: дис. ... канд. юрид. наук: 12.00.07. – К., 2016. – 233 с.
- 👁️ Бугайчук К.Л. Адміністративна відповідальність за правопорушення пов'язані із корупцією: практич. посіб. / К.Л. Бугайчук, О.І. Безпалова, О.В. Джафарова, В.О. Іванцов, С.О. Шатрава. – Х.: Харк. нац. ун-т. внутр. справ, 2016. – 100 с.
- 👁️ Клок О.В. Протидія корупційним правопорушенням засобами адміністративного права: дис. ... канд. юрид. наук: 12.00.07. – Х., 2015. – 214 с.
- 👁️ Настільна книга детектива, прокурора, судді: коментар антикорупційного законодавства / за ред. М. І. Хавронюка. – 2-ге вид., переробл. і допов. – К.: ВД «Дакор», 2017. – 522 с.
- 👁️ Судовий розгляд справ про правопорушення, пов'язані з корупцією: практич. посіб. / кол. авт.; за ред. доктора юрид. наук, проф. О.М. Костенка. – К.: Національна академія прокуратури України, 2018. – 346 с.
- 👁️ Суховетрук І.І. Адміністративно-юрисдикційні провадження, які здійснюються правоохоронними органами України: дис. ... канд. юрид. наук: 12.00.07. – К., 2017. – 233 с.

TOPIC 9.

FORMATION OF A NEGATIVE ATTITUDE TO CORRUPTION ("ZERO TOLERANCE"). PARTICIPATION OF PUBLIC AND BUSINESS IN PREVENTING CORRUPTION. ADDITIONAL ELEMENTS OF THE SYSTEM OF PREVENTING CORRUPTION

Agenda

- ▶ Awareness of citizens, businesses and officials concerning the phenomenon of corruption, its public harm and personal responsibility and methods of dealing with it
- ▶ Public awareness campaigns
- ▶ Implementation of questions related to corruption in institutions
- ▶ Implementation of education regarding corruption public life and in places of provision of public services
- ▶ Implementation of a culture of reporting on corruption offenses.
- ▶ Public participation in the prevention of corruption
- ▶ Public anti-corruption expertise
- ▶ Preventing corruption in the private sector.
- ▶ Implementing anti-corruption incentives.
- ▶ Register of corrupt officials.
- ▶ Reporting. Evaluation of results.
- ▶ Elimination of consequences of corruption offenses.

Brief description:

The whistleblowers of corruption and their legal protection. Role of the business environment and Ombudsman institutions in the prevention of corruption. Business Ombudsman Council. Authorized officer of legal entities (art. 64 of the Law "On the Prevention of Corruption").

Lecturer:

Mykola Khavroniuk

Materials

- 👁 Борьба с коррупцией в Украине: взгляд гражданского общества. Финальный отчет. – Украинский институт публичной политики, 2010.
- 👁 Доступ до публічної інформації: посібник із застосування «трискладового тесту» / Роман Головенко, Дмитро Котляр, Дар'я Слизьконіс; за заг. ред. Д. М. Котляра. – К.: ЦПСА, 2014. – 152 с.
- 👁 Ли Куан Ю. Сингапурская история: из «третьего» мира в «первый» (1965 – 2000) // <http://lib.ru/MEMUARY/SINGAPUR/singapur.txt>
- 👁 Суворин Э. В. Коррупция в постсоциалистических странах: сущность, особенности, стратегии противодействия (политологический анализ): Автореф. дис. . . . канд. пол. н. – М., 2008.
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LECTURES OF THE COURSE

Mykola Khavroniuk –

Ukrainian legal expert and criminologist. Doctor of Law, Honored Lawyer of Ukraine, Professor of the Department of Criminal Law and Criminal Procedural Law at the Faculty of Law at the National University of Kyiv-Mohyla Academy, Director of scientific development and a member of the Center for Political and Legal Reform. Author and co-author of about 50 monographs, textbooks, tutorials and comments on the law, more than 250 scientific and more 50 non-fiction articles in “Business”, “Legal Practice”, “Legal Bulletin of Ukraine”, “The Ukrainian Truth” etc.

Contact: kunorvahk@gmail.com

Olena Shcherban –

deputy executive director of the NGO “Anti-Corruption Action Center”. She is a graduate of Yaroslav Mudryi National Law University. She specializes in appeals against public procurement and the effective, transparent, legal use of public finances. She is responsible for monitoring and appealing public procurement in the healthcare sector. She is a member of the Legal Reform Commission formed by the President of Ukraine and a leading expert of the Anti-Corruption Action Center on anti-corruption legislation. She worked at the State Financial Inspectorate of Kyiv.

Contact: olena.shcherban@antac.org.ua

Tetiana Shevchuk -

an expert at the Anti-Corruption Action Center in the sphere of corporate and financial law. She is currently working on initiatives related to fighting corruption, asset recovery and counteracting the legalization of income derived from crime. Before working at AN-TAC, she worked with leading world-class professional services companies. She received her master’s degree in Law from the National University of Kyiv-Mohyla Academy and a master’s degree in Global Security from the University of Glasgow.

Contact: tshevchuk@antac.org.ua

ACREC.ORG.UA

Kyiv, 2019