

CORRUPTION AND ANTI-CORRUPTION POLICY IN UKRAINE – DIFFICULT REALITY AND REAL SUCCESSES

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Key findings:

- Corruption is perceived by Ukrainian society as a significant problem. Also, experts share this view, but at the same time they notice many positive legal and institutional changes reducing corruption. There is a gap between the assessment of Ukraine's resistance to corruption in the perception of experts and in the perception of average citizens.
- Since the Revolution of Dignity in 2014, Ukraine has introduced many important anti-corruption reforms: a strong legal and institutional infrastructure to combat corruption crime; a deep reform of the public procurement system; a model system of asset declarations of public officials; new opportunities for civil society organizations, independent experts and media to participate in the development and monitoring of anti-corruption. These are only a few key achievements.
- Still, many challenges remain. Among others strengthening the judiciary and institutions fighting corruption crime. The public procurement system and the asset declaration system require further reforms. The challenge is to shape anti-corruption attitudes in society and in groups particularly vulnerable to corruption (including officials, health care workers and employees in the education sector).
- Many anti-corruption initiatives are underway, with the support of international organizations and specific governments. Norway could focus primarily on supporting civil society organizations (including independent media and investigative journalists) working in the field of anti-corruption and reforms bringing Ukraine closer to joining the European Union.

After the Revolution of Dignity in late 2013 and early 2014, which ousted pro-Russian President Viktor Yanukovich and his administration, Ukraine invested significant effort in strengthening its resilience against corruption. Anti-corruption policy became a top priority for the new administration, although its implementation faced numerous obstacles and didn't always meet the expectations of international organizations assisting Ukraine and Ukrainians themselves. Notable examples of these setbacks include internal conflicts within the National Anti-Corruption Bureau of Ukraine (NABU)¹ and the dysfunctions of the High Anti-Corruption Court (HACC)². However, even before Russia's full-scale invasion in 2022, Ukraine had already achieved significant achievements in combating corruption. A frequently cited example is the reform of the public procurement system and the introduction of the Prozorro platform, which allows public monitoring of procurement and enables responses to irregularities in real-time.

While the war with Russia has created new corruption risks, as any crisis does, it hasn't halted anti-corruption reforms and has even accelerated them in some areas. This paper aims to highlight the main challenges Ukraine faces in its fight against corruption, showcase its achievements so far, and offer suggestions on how Norway and other countries can support Ukraine's efforts to bolster its resilience to corruption.

Corruption in Ukraine: A Persistent Challenge

Corruption remains a significant problem in Ukraine. This is indicated by public opinion polls, research by international organizations, and expert analyses. A poll conducted in July and August 2024 for the Ukrainian organization ENGAGE shows that Ukrainians perceive corruption as the second most important problem (92%), right after the ongoing war (95%)³. Two-thirds of respondents believe corruption is widespread in Ukraine. Nearly half (49%) believe the level of corruption has worsened. Furthermore, 15% admitted to engaging in some form of corruption when interacting with public institutions (particularly in education and healthcare) in the 12

¹ Oleg Sukhov, NABU scandal deepens: Deputy chief slams boss after recommendation on his ouster, The Kyiv Independent, 29.08.2024, <https://kyivindependent.com/top-ukrainian-anti-corruption-officials-bump-heads-deepening-crisis-at-key-agency/>, accessed: 23.01.2025; Jakub Ber, Ukraine: a wave of dismissals against a background of corruption, 31.01.2023, <https://www.osw.waw.pl/en/publikacje/analyses/2023-01-31/ukraine-a-wave-dismissals-against-a-background-corruption>, accessed: 23.01.2025

² Ivanna Y. Kuz, Matthew C. Stephenson, Ukraine's High Anti-Corruption Court Innovation for impartial justice, U4 Brief 2020:3, Chr. Michelsen Institute (CMI), <https://www.u4.no/publications/ukraines-high-anti-corruption-court.pdf>, accessed: 23.01.2025

³ National Corruption Perceptions and Experience Poll 2024, Enhance Non-Governmental Actors and Grassroots Engagement (ENGAGE), https://www.dropbox.com/scl/fi/rrgbjnowlbywqdua59pka/Pact-USAID-ENGAGE-AC-Poll-2024-Analysis_EN.pdf?rlkey=pq8satf3a2poeljeequlfpdbv&st=n216na71&dl=0, accessed: 23.01.2025

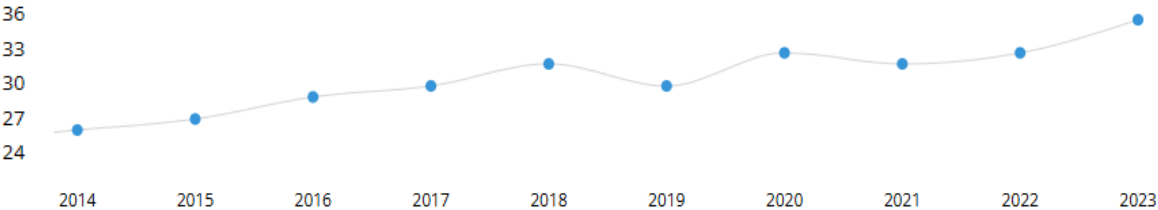
months preceding the survey. This percentage is likely underestimated, as is common with sensitive questions⁴.

However, respondents also frequently pointed out other pressing issues, like the high cost of living, a dysfunctional judicial system, bureaucracy, and crime. These issues were highlighted also by a significant percentage of respondents (from 70% to 80%). Therefore, while corruption is seen as a top problem alongside the war, it remains one of many other important challenges facing Ukrainian society and the state.

Ukrainians perceive the parliament (65%), government (55%), and regional authorities (46%) as the most corruption-ridden institutions. Data presented by Andrii Biletskyi a Ukrainian researcher at the Basel Institute on Governance, participant of the project within which this paper was developed, indicates that citizens consider courts, customs offices, and border services as the most corrupt. Interestingly, Ukrainians also perceive the system for distributing humanitarian aid related to the war as relatively vulnerable to corruption.

Experts also recognize that corruption remains a significant problem. This is reflected in international corruption perception indices like Transparency International's Corruption Perception Index (CPI)⁵ and the World Bank's Control of Corruption Index⁶. Both indexes are based on expert assessments of political and economic risks in various countries⁷.

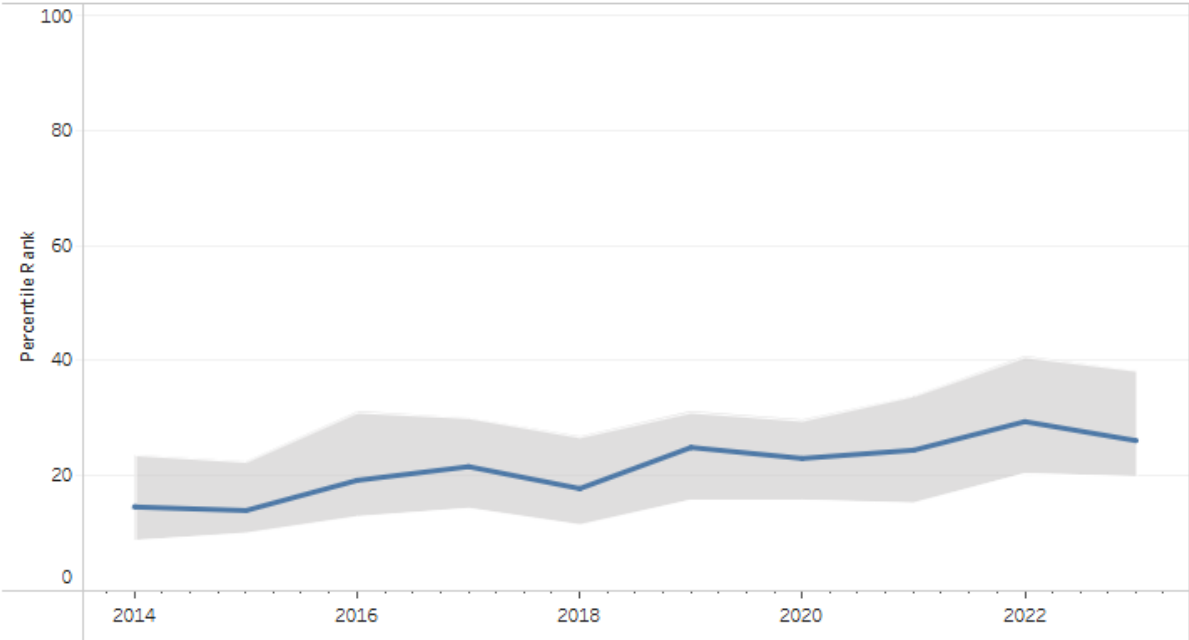
Fig. 1 Ukraine's score in the Transparency International Corruption Perception Index (CPI) 2014-2023



Source: Transparency International

⁴ See: Aart Kraay, Peter Murrell, 2016, Misunderestimating Corruption, *The Review of Economics and Statistics* (2016)98 (3): 455–466
⁵ <https://www.transparency.org/en/cpi/2023>, accessed: 23.01.2025
⁶ <https://www.worldbank.org/en/publication/worldwide-governance-indicators>, accessed: 23.01.2025
⁷ Both indexes also have known and well-described limitations and drawbacks. First, they are quite sensitive to even isolated cases of corruption, resonating in the media and influencing perception. The problem is also the changes in the methodologies of individual surveys that make up the indexes, as well as the disadvantages of these surveys (see: Mihály Fazekas, Romain Ferrali, 2023, Advances in measuring corruption and agenda for the future, Working Paper series: GTI-WP/2023:01, https://www.govtransparency.eu/wp-content/uploads/2023/03/Fazekas-Ferrali_Corr-measurement_article_WPformatted_final.pdf, accessed: 23.01.2025). This paper isn't the place to analyze the pros and cons of these corruption indicators. Nevertheless, in the long run, they show what they are supposed to show, i.e. changes in the perception of corruption by experts. And Ukrainian analysts rightly refer to these sources, among others, to show that experts' perception has improved over the decade, which means that analysts see positive changes in the threat of corruption.

Fig. 2 World Bank Indicator – Control of Corruption 2014-2023 for Ukraine



The solid blue line shows the selected percentile rank. The gray-shaded region indicates marginal error.

Source: Worldwide Governance Indicators (www.govindicators.org)

In-depth qualitative analyses by the Organization for Economic Co-operation and Development (OECD) show progress in building Ukraine's resilience to corruption but also identify significant gaps. For example, the 2024 report, *Review of Anti-Corruption Reforms in Ukraine under the Fifth Round of Monitoring. The Istanbul Anti-Corruption Action Plan*⁸, acknowledges Ukraine's achievements in building anti-corruption institutional and legal infrastructure, particularly the anti-corruption strategy and its monitoring system. Nevertheless, the OECD notes that the path to an optimal situation remains long. The anti-corruption strategy is criticized for insufficiently addressing war-related corruption risks (e.g., misuse of military and humanitarian aid, as confirmed by in 2018 report by Transparency International UK⁹). The report also suggests that achieving the strategy's goals may be impossible due to insufficient financial and human

⁸ OECD, *Review of Anti-Corruption Reforms in Ukraine under the Fifth Round of Monitoring. The Istanbul Anti-Corruption Action Plan*, OECD, Paris 2024, https://www.oecd.org/content/dam/oecd/en/publications/reports/2024/03/review-of-anti-corruption-reforms-in-ukraine-under-the-fifth-round-of-monitoring_b824ee81/9e03ebb6-en.pdf, accessed: 23.01.2025

⁹ Eva Anderson, *Six Red Flags: The most frequent corruption risks in Ukraine's Defence Procurement*, Transparency International UK, London 2018, https://transparency.org.uk/sites/default/files/pdf/publications/Ukraine_Six_Red_Flags_Eng.pdf, accessed: 23.01.2025

resources (although this criticism seems somewhat unfair given Ukraine's extremely difficult circumstances and resource shortages across all sectors).

The OECD report also highlights the question of judiciary, which is still only partially independent (despite some positive changes which happened since 2014, well described among others in reports by the Council of Europe and U4 Anti-Corruption Resource Centre¹⁰) as a significant problem in prosecuting corruption. While praising Ukraine's determination and achievements in prosecuting high-level corruption, the report mentions political pressure on NABU and Specialized Anti-Corruption Prosecutor's Office (SAPO) operations, leading to failures. The OECD also points to the lack of effective measures for holding legal entities accountable for corruption (a challenge that, incidentally, Poland has also faced since joining the EU¹¹).

The European Commission, which regularly assesses Ukraine's progress towards EU accession, also points to corruption risks. Its October 2024 communication on EU enlargement policy on accession of Ukraine¹² highlights several corruption-related problems, including high-level corruption, corruption within the judiciary (even in the Supreme Court), administrative corruption, corruption within law enforcement (primarily the police), corruption linked to organized crime, corruption at borders and customs, and corruption in healthcare.

A report on corruption and anti-corruption policy in Ukraine, prepared by Ukrainian experts for the Polish Stefan Batory Foundation¹³, points to the lack of solutions addressing oligarchy, a major source of systemic corruption. The draft law *On Preventing Threats to National Security Related to Excessive Influence of Persons of Significant Economic and Political Importance in Public Life*¹⁴, presented in March 2024, received criticism from Ukrainian civil society organizations and international institutions as insufficient. Experts also stressed the need to fully restore the system

¹⁰ U4 Anti-Corruption Resource Centre, Case study on judicial reform in Ukraine, https://partner.u4.no/open/judicial-reform-ukraine/#/lessons/W91Wp_UeZhFC89hXVaBw0vz57A3e4R2p, accessed: 23.01.2025, European Committee on Legal Co-operation, <https://www.coe.int/en/web/cdcj/-support-to-the-judicial-reform-in-ukraine>, accessed: 23.01.2025

¹¹ Anna Wojciechowska-Nowak, Celina Nowak, Grzegorz Makowski Implementation of Selected Provisions of the United Nations Convention Against Corruption in Poland, Fundacja im. Stefana Batorego, Warsaw 2015, https://www.batory.org.pl/upload/files/Programy%20operacyjne/Odpowiedzialne%20Panstwo/UNCAC_ang.pdf

¹² COMMISSION STAFF WORKING DOCUMENT Ukraine 2024. Report Accompanying the document COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF REGIONS 2024 Communication on EU enlargement policy, Brussels, 2024, https://neighbourhood-enlargement.ec.europa.eu/document/download/1924a044-b30f-48a2-99c1-50edeac14da1_en?filename=Ukraine%20Report%202024.pdf, accessed: 23.01.2025

¹³ Kateryna Ryzenko, Andrij Szwadczak, Andrij Tkaczuk, Anna Kuc, Natalia Siczewluk, Pawło Demczuk, Ten Years of Combating Corruption: Successes and Challenges Faced by Ukraine, Fundacja im. Stefana Batorego, Warsaw 2024, https://www.batory.org.pl/wp-content/uploads/2024/11/Dziesiec-lat-walki-z-korupcja_ENG.pdf, accessed: 23.01.2025

¹⁴ CDL-AD(2023)018-e Ukraine – Opinion on the Law on the prevention of threats to national security, associated with excessive influence of persons having significant economic or political weight in public life (oligarchs), adopted by the Venice Commission at its 135th Plenary Session (Venice, 9–10 June 2023), [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2023\)018-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2023)018-e), accessed: 23.01.2025

for collecting and publishing asset declarations of public officials, which was restricted after the war began in 2022.

The Batory Foundation's analysis also emphasizes the need for continued reform of the public procurement system. Despite the creation of exemplary platforms for competing for government and local government contracts and an online tool for citizen monitoring (Prozorro and Dozorro), mechanisms are still needed to mitigate the risk of inflated costs in procurement and to integrate these systems with other public registers, which would enhance corruption detection and prevention – crucial for Ukraine's reconstruction.

Another issue highlighted by the Batory Foundation's experts, and echoed by the European Commission, is the lack of adequate whistleblower protection legislation complying with EU law¹⁵. While the National Agency on Corruption Prevention (NAZK) has introduced some measures protecting whistleblowers, they are considered ineffective¹⁶. Crucially, Ukraine lacks a comprehensive framework regulating the legal status and protection of whistleblowers (however it is worth to notice that not only NAZK created a web-portal for whistleblowers where citizens may report corruption, but also NABU operates telephone hotlines and mail boxes where corruption incidents may be reported).

In summary, from the perspectives of public opinion, international experts, and Ukrainian analysts, corruption remains a significant problem. Ordinary citizens are particularly critical, negatively evaluating the government and key state institutions. Surveys show Ukrainians experience everyday corruption in interactions with public institutions responsible for basic services like healthcare, education, and social assistance.

It's worth noting that Ukrainian research look like Polish surveys on corruption perception and experience from the late 1990s and early 2000s. At that time, Poland faced a deep economic and political crisis, although not as severe as Ukraine's current crisis due to the war with Russia. However, Poland's situation at the cusp of EU accession was poor, especially compared to other post-communist candidate countries¹⁷. Polish society also frequently experienced everyday

¹⁵ Ten Years of Combating Corruption..., p. 36

¹⁶ Ten Years of Combating Corruption..., p. 35

¹⁷ See Open Society Foundations pre-accession reports from 2002 prepared for Poland and other CEE countries: <https://www.opensocietyfoundations.org/publications/monitoring-eu-accession-process-corruption-and-anti-corruption-policy>, accessed: 23.01.2025

corruption in similar areas of public life. The Polish public blamed the then-ruling government for the economic crisis and corruption, even as they implemented reforms to curb it¹⁸.

Similarly, in Ukraine's case, one cannot overlook the numerous reforms in this area implemented since 2014 and continued despite the challenging circumstances of the war. However, these positive changes are primarily recognized by Ukrainian and international expert communities, reflected in international indices like the CPI and assessments by the World Bank and OECD. While the CPI still portrays Ukraine as highly susceptible to corruption, there's noticeable improvement since 2014. The World Bank's index also shows improvement.

Therefore, in concluding this section, it's important to emphasize that, like Poland in the late 20th century, public perception and experience of corruption in Ukraine don't fully align with the institutional and legal changes in anti-corruption efforts. Ukraine's reforms are substantial, yielding tangible results like arrests, prosecutions, and convictions of high-ranking officials, as well as preventive measures. However, the public seems to be less aware of and appreciative of this progress, which is more readily recognized by experts who can assess its significance. This explains the improvement in expert-based international corruption perception indices alongside growing public dissatisfaction in opinion polls. This mirrors the situation in Poland and other former Soviet bloc countries seeking EU accession. Under pressure from the European Commission and other international organizations, these countries implemented numerous anti-corruption reforms, but societies didn't notice any significant improvement for many years afterwards. Poland's case is particularly interesting, as it lacked a substantial anti-corruption policy before this period, despite public perception of corruption as a major societal problem. The accession process forced reforms, which didn't immediately brought results, and public opinion only began to shift a few years after Poland joined the EU in 2004¹⁹. Interestingly, the government in power from 2001-2004, which finalized EU accession and implemented the most anti-corruption changes, was itself perceived as highly corrupt and collapsed under the weight of corruption scandals. Its main supporting party, the Democratic Left Alliance, disintegrated, lost support, and didn't regain sufficient electoral strength for even a coalition government for the next twenty years.

Poland's case demonstrates that during crises and under international pressure, numerous reforms can be implemented to curb corruption that will be praised by analysts and experts but

¹⁸ Grzegorz Makowski, Adam Sawicki, Corruption and Anti-Corruption policy in Poland, in: Katarzyna Grzybowska-Walecka, Simona Guerra and Fernando Casal Bértoa (Eds.), *The Oxford Handbook of Polish Politics*, Oxford University Press, Oxford (forthcoming)

¹⁹ Corruption and Anti-Corruption policy in Poland...

not sufficiently recognized by a public still experiencing daily corruption when interacting with public administration or seeking basic public services.

Therefore, it's crucial not only to communicate anti-corruption reforms to the Ukrainian public but also to actively convince citizens that while these reforms might not immediately produce tangible improvements, they are meaningful, valuable, and worth continuing, as they strengthen the state in the long run and will eventually benefit ordinary citizens. Otherwise, there's a risk of fatigue with anti-corruption efforts, a political crisis, or even rejection of what has already been achieved.

Ukraine's Anti-Corruption Achievements

Anti-corruption ecosystem

Ukraine has built what experts at the Batory Foundation call an "anti-corruption ecosystem." This comprises several relatively autonomous central institutions:

- **NABU (National Anti-Corruption Bureau of Ukraine)** – a law enforcement anti-corruption agency investigating corruption and preparing cases for prosecution.
- **SAPO (Specialized Anti-Corruption Prosecutor's Office)** – an independent part of the General Prosecutor of Ukraine, responsible for supporting and overseeing criminal investigations launched by NABU.
- **HACC (High Anti-Corruption Court)** – the court proceeding cases concerning corruption crimes that caused damage of an equivalent of at least 31 thousand USD.
- **NAZK (National Agency on Corruption Prevention)** – a national agency responsible for shaping and implementing anti-corruption policy and creating a friendly environment to corruption prevention.
- **ARMA (Asset Recovery and Management Agency)** – a special governmental body, authorized to formulate and implement state policy in the area of tracing, finding of assets that are subject to seizure and that are aimed to be seized, as well as management of seized assets in criminal proceedings.

These institutions wouldn't function effectively without adequate legal changes (primarily criminal law), another significant achievement.

Public procurement resilient to corruption

A crucial achievement for the state, society, and businesses is the comprehensive reform of public procurement, starting with the 2015 public procurement law modeled on EU requirements. The innovative element was the Prozorro on-line platform, developed in collaboration with CSOs, demonstrating the importance of citizen engagement in anti-corruption efforts. Prozorro isn't just a procurement bulletin but also a tool for public oversight of this crucial sector. It's used by citizens, law enforcement, and the Antimonopoly Committee of Ukraine to fight price fixing. Although the war impacted Prozorro's transparency, wartime regulations adopted in October 2022 ensured a competitive public procurement market. According to the Batory Foundation report, over 70% of public procurements were conducted competitively in 2023²⁰. This demonstrates Ukraine's commitment to transparent and corruption-resistant procedures for public spending despite the war²¹. Prozorro's continued development and openness to public scrutiny will be essential for post-war reconstruction, making this one of Ukraine's most important anti-corruption reforms since 2014.

Exemplary assets declarations system

Another achievement is the sophisticated system for submitting, publishing, and verifying asset declarations of public officials, praised by the OECD²². It covers around 700,000 individuals and is well-organized, with clear guidelines for filers and public access (at least until the war, with partial restoration in late 2023). While not without gaps, particularly during the war, and with limited enforcement, it's one of Europe's best asset declaration systems and can serve as a model. One of the Ukrainian journalists who took part in the meeting at VG (the Verdens Gang newspaper), during the study visit that had been organized within the project under which this paper was developed, mentioned this. Then a discussion started over the topic of assets declarations in general, concluded that Ukrainians could educate public functionaries in Norway and others in Western countries about the Ukrainian Assets Declarations System.

²⁰ Ten Years of Combating Corruption..., p. 10

²¹ Javier Cifuentes-Faura, 2024, Corruption in Ukraine during the Ukrainian – Russian war: A decalogue of policies to combat it, Journal of Public Affairs, 24(1), DOI: 10.1002/pa.2905

²² Review of Anti-Corruption Reforms in Ukraine..., p. 27-46

Engagement of civil society groups in anti-corruption efforts

Finally, Ukraine has created a legal framework empowering citizens to monitor and participate in shaping anti-corruption policy. This is an exemplary implementation of Article 13 of the UN Convention against Corruption, which not all signatory states implement effectively (e.g., Poland lacks similar legislation)²³. These provisions allow for the creation of citizen's councils that act as supervisory bodies within government agencies. One of the first, the Citizen's Control Council at NABU, not only prevented the politicization of NABU but also served as a model for other citizen's councils monitoring government actions. In 2020, NAZK conducted extensive consultations on the anti-corruption strategy draft, positively impacting its content and implementation.

Ukraine has achieved significant progress in combatting corruption, especially given the ongoing conflict. Ukrainian society and state prioritize the issue of corruption, unlike countries like Russia or Hungary, where corruption is sometimes used as a tool of governance.

Challenges and Recommendations for Anti-Corruption Policy in Ukraine

The problem of corruption in Ukraine is well-documented in numerous academic and expert publications. Corruption in Ukraine is subject to ongoing analysis by international organizations, the European Union, and governments assisting the country. Ukrainian authorities are also aware of the necessary anti-corruption policy priorities, as clearly outlined by the Cabinet of Ministers of Ukraine at the beginning of 2024²⁴. Existing analyses clearly demonstrate the main challenges in this area and potential avenues for assistance from other countries.

Strengthening judiciary

First and foremost, Ukrainian authorities rightly link anti-corruption efforts with strengthening the rule of law, particularly building an independent and effective judiciary (especially through establishing transparent mechanism of recruitment, promotion and accountability of judges). Only through independent courts can corruption-related crime, the most severe form of corruption, be effectively combated. Without independent courts, the work of other elements of the justice system, including the prosecutor's office and law enforcement agencies, would be

²³ Ten Years of Combating Corruption..., p. 13

²⁴ <https://reformmatrix.mof.gov.ua/en/index/>, accessed: 23.01.2025

ineffective. The lack of an effective fight against corruption undermines public trust in the state and erodes the rule of law.

Strengthening key anti-corruption bodies

Secondly, Ukraine is focusing on strengthening institutions responsible for prosecuting corruption-related crimes. Further reform of the Specialized Anti-Corruption Prosecutor's Office (SAPO) is a priority. This includes changing the procedures for selecting SAPO leadership to guarantee greater independence, increasing accountability requirements, expanding its jurisdiction (e.g., by enabling extradition procedures and requesting legal assistance from other countries), and enhancing its capacity. These reforms also involve changes to criminal law to facilitate the prosecution of high-level corruption cases and preparation Serious and Organised Crime Threat Assessment (SOCTA) and implementation of relevant changes resulting from this assessment, helping to trace corruption related to organized crime and improve cooperation with international bodies like Europol and Interpol.

Improving assets recovery

Recovering assets derived from corruption is also a crucial element of Ukraine's anti-corruption efforts. This issue is closely linked not only to strictly criminal activity but also to the influence of Ukrainian oligarchs who evade taxation. Of course, the role of oligarchs started to decline since 2014, because of the Revolution of Dignity. Civil society organizations and investigative journalists started to play stronger role anti-corruption efforts. Another, even more important factor is the war which deprived the oligarchs of their fortunes. Nonetheless, the problem of oligarchic corruption remains what regularly report Ukrainian and foreign experts²⁵. Ukraine established the Asset Recovery and Management Agency (ARMA) to detect and repatriate assets obtained through criminal activity. ARMA is a vital component of the anti-corruption infrastructure, also focusing on anti-money laundering efforts. Like SAPO and the National Anti-Corruption Bureau of Ukraine (NABU), Ukrainian authorities plan to strengthen ARMA's independence by modifying

²⁵ Jakub Parusinski, Opinion: Ukraine's oligarchs were once kingmakers. Where are they now?, Kyiv Independent, 9.05.2024, <https://kyivindependent.com/opinion-ukraines-oligarchs-were-once-kingmakers-where-are-they-now/>, accessed: 23.01.2025; Michael, M. Richter, 2024, Democratic Breakthrough or New Partial Reform Equilibrium? Ukraine's Institutional Development in the Third Year of the Large-Scale Invasion, Ukrainian Analytical Digest No. 007, <https://laender-analysen.de/uad/pdf/UkrainianAnalyticalDigest007.pdf>, accessed: 23.01.2025

leadership selection procedures and its operational monitoring mechanisms. The Ukrainian government also announced in early 2024 a more effective implementation of the 2023-2025 strategy for recovering assets derived from criminal activities. At the beginning of December 2024, the Ukrainian government adopted another important document to regulate this issue.

Further improvements in the public procurement system

In addition to restoring and strengthening the Prozorro public procurement platform, the privatization and improvement of state-owned enterprises (SOEs) are important steps from a business perspective. Ukrainian authorities are expected to ensure a transparent and competitive privatization process for state-owned companies. SOEs are to be managed in accordance with OECD and World Bank recommendations. To this end, a privatization strategy and new regulations governing SOE management are to be adopted²⁶.

Constructive anti-corruption prevention

The government's reform plan, announced in early 2024, also includes increasing public participation in the planning, implementation, and monitoring of anti-corruption policies. This aligns with an important, yet under-prioritized challenge highlighted by analysts at the Norwegian anti-corruption think tank, U4: broadly defined prevention²⁷. In their publication, they develop the concept of "constructive prevention." While regular prevention focuses on increasing transparency in public life (e.g., by expanding access to public information, digitizing and integrating registers, etc.) and preventing corruption through audits of public institutions, risk mapping, shaping organizational culture within government bodies, and promoting compliance, constructive prevention focuses primarily on fostering values conducive to anti-corruption efforts (e.g., thinking and acting in terms of the public interest) and ethical attitudes. It also emphasizes strengthening communities, groups, and individuals (e.g., opinion leaders) who can further promote such attitudes and values - especially in sectors with the highest corruption risks (e.g., public administration and healthcare). In short, constructive prevention, as outlined by the U4 experts, is largely a form of civic education. This postulate is crucial because its implementation

²⁶ At the beginning of December 2024, the Ukrainian government adopted another important document to regulate this issue – <https://me.gov.ua/News/Detail/34e0522e-bd48-4e13-b581-4f346ad61431?lang=en-GB&title=GovernmentApprovesStateOwnershipPolicyAKeyDocumentForReformingStateownedCompanies&showMenuTree=true>, accessed: 23.01.2025

²⁷ David Jackson, Oksana Huss, Advancing corruption prevention in Ukraine: a constructive approach, U4 Brief 2024:3, Chr. Michelsen Institute (CMI), <https://www.u4.no/publications/advancing-anti-corruption-in-ukraine-a-constructive-prevention-approach.pdf>, accessed: 23.01.2025

can prevent a recurrence of what happened in Poland (as discussed earlier), where institutional and legal anti-corruption reforms implemented during the EU accession period were not sufficiently understood and appreciated by the public, rendering many of them unsustainable in later years due to a lack of strong support. Therefore, it is worthwhile to support the authors' call for greater efforts in broadly defined civic and ethical education, promoting whistleblowing, operating according to clear and universally understood rules rather than those based on kinship or personal connections, and supporting groups, organizations, and individuals who want to promote values and attitudes conducive to combating corruption. The most important partners in these efforts are CSOs, business organizations, and local governments, as the structure closest to the citizens, which, by operating according to appropriate values, can build public trust in the state.

Healthcare, education, energy sectors

Moreover, analyses of the challenges and directions of anti-corruption policy in Ukraine often point to several key sectors where improvement is particularly desirable. The first is healthcare, one of the areas of public life where the average Ukrainian citizen, as surveys indicate, most often encounters corruption. In addition to healthcare always being a sensitive sector, research on corruption shows that citizens often perceive the problem of corruption through the lens of their own negative experiences, which they may encounter in their interactions with the healthcare system. As rightly noted in an analysis commissioned by the Norwegian Agency for Development Cooperation (NORAD)²⁸, despite reforms initiated in 2015, informal payments (in money and in-kind) between patients and medical personnel, although somewhat improved, remain common. Another problem in Ukrainian healthcare is frequent abuses in public procurement within the sector, which have not been eliminated despite the existence of the Prozorro platform. These are just some examples of corruption in this sector.

Another sector frequently cited in public opinion polls as particularly vulnerable to corruption is education, both at the school and university levels²⁹. Like healthcare, anti-corruption reforms in this sector were initiated shortly after the Revolution of Dignity and have brought some improvement, as noted by NORAD analysts following expert assessments by the OECD and the

²⁸ Javier Fabra-Mata, Anne Mette Teigen Asselin de Williencourt, Ukraine: Corruption risks and mitigation strategies, NORAD, Oslo 2024, p. 38-39, https://www.norad.no/contentassets/36d0f4679c484a52be5be5a4c3cac724/3.2024_literature-review-ukraine-corruption-risks-and-mitigation-strategies.pdf, accessed: 23.01.2025

²⁹ Ukraine: Corruption risks and mitigation..., p. 43-44

World Bank. Unfortunately, the problem of bribes for grades, credits, scholarships, diplomas, or the opportunity to study at a chosen school or university remains noticeable.

The energy sector should also be mentioned in the context of key challenges in anti-corruption policy. As indicated by analyses from NORAD, the OECD, the European Commission, and the World Bank³⁰, among others, corruption in this area is characterized by its capture by various interest groups. It is mainly linked to oligarchization and monopolization / lack of competition. Corruption in the Ukrainian energy sector often takes the form of tax evasion, financial fraud related to large investments (e.g., in the construction of energy infrastructure), abuses in public procurement, dysfunction in the management of state-owned energy companies (manifested, among other things, in the waste of these entities' assets and nepotism in the appointment of management positions), but also administrative corruption related to decisions regarding which households receive energy at subsidized prices. Although corruption in this sector may not directly affect the average citizen, it ultimately impacts society by driving up energy costs for everyone. It is also a significant problem from the perspective of conducting business activity.

Conclusions and recommendations

For years, Ukraine has received anti-corruption assistance from numerous countries. A 2024 report commissioned by the Japanese government identified forty key projects in this area – completed, ongoing, or awaiting launch – funded by international organizations or governments worldwide. Ukrainian state institutions (primarily those specializing in anti-corruption efforts) are the beneficiaries of most of these projects³¹.

Considering this, Norwegian authorities could focus on supporting CSOs active in anti-corruption, independent experts, media and investigative journalists, promoting the rule of law, and defending human rights. These organizations also receive foreign aid, but on a much smaller scale than state institutions. Specifically, a good area for support could be citizen initiatives focusing on broad corruption prevention, which shape civic attitudes – both within society as a whole and within specific socio-professional groups (e.g., healthcare workers, education workers, public administration) – in the spirit of constructive prevention, as mentioned earlier.

³⁰ Ukraine: Corruption risks and mitigation..., p. 40-42

³¹ Matthew Naumann (Eds.), Mapping Support for Anti-Corruption Reforms in Ukraine with a Focus on the Justice Sector, UNDP, New York 2024, https://www.undp.org/sites/g/files/zskgke326/files/2024-11/mapping_support_for_anti-corruption_reforms_in_ukraine_with_a_focus_on_the_justice_sector.pdf, accessed: 23.01.2025

Within educational activities, it's also important to actively disseminate information about reforms that have already happened, are in progress, or are planned. It's crucial that the public, despite encountering daily corruption, understands that significant changes are occurring and will yield results, even if not immediately, but in the long term. It's important for society to understand and support these efforts, even if they don't fully trust the authorities or specific institutions. It's necessary to limit the gap between institutional and legal changes and the social assessment and acceptance of reforms.

An important topic at the intersection of educational activities and institutional and legal changes is whistleblower protection. Soon, Ukraine will have to adopt comprehensive whistleblower protection regulations that meet the requirements of Directive on the protection of persons who report breaches of Union law³² However, experience from Poland and other former Soviet bloc countries shows that whistleblowing isn't well understood by society. It's burdened by negative stereotypes of snitching, and therefore, whistleblowing regulations aren't effective and often don't protect whistleblowers in practice. At the same time, whistleblowing is a key element of anti-corruption infrastructure, everywhere. Therefore, it's extremely important to support not only the adoption of appropriate whistleblower protection laws but also long-term, broad educational and informational activities that raise public awareness – and awareness within specific socio-professional groups (particularly in the public sector) – about what whistleblowing is, why whistleblowers should be protected and supported, and its importance for anti-corruption efforts. Even if Norway doesn't have its own extensive experience in this area, it could support, for example, twinning initiatives between Ukraine and countries (especially former communist countries) undergoing a similar process. These countries have similar experiences in building social awareness around whistleblowing and can share their achievements with Ukraine.

Another area of support could be reforms directly related to Ukraine's EU accession process. Joining the Union, as was the case with Poland and other former Soviet bloc countries, is the strongest motivator for implementing effective anti-corruption solutions. In the long term, these changes relate to the challenges mentioned earlier – strengthening the independence of courts and key anti-corruption institutions (particularly SAPO and NABU) and supporting reforms in the healthcare, education, and energy sectors. In the shorter term, this could involve supporting changes recommended by the European Commission in its annual pre-accession reports. For instance, in its 2024 report, the European Commission recommends, among other things,

³² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32019L1937>, accessed: 23.01.2025

reforming the public administration's management and salary system. Another set of recommendations concerns the judiciary – guaranteeing greater judicial independence and creating an effective disciplinary system. Norway can certainly help Ukraine in these matters by sharing its own experiences, providing know-how and expertise.

To conclude, corruption in Ukraine is a real problem and a challenge for the state and society. At the same time, Ukrainian authorities and society are determined to fight corruption, as evidenced by many successful reforms and positive changes occurring even amidst a brutal war with Russia. There's still much to be done, but if the Ukraine remains determined to build a corruption-resilient state, the situation will undoubtedly improve. If foreign partners, including Norway, support these efforts, positive changes will certainly occur faster, just as they did years ago in Poland and other former Eastern bloc countries.